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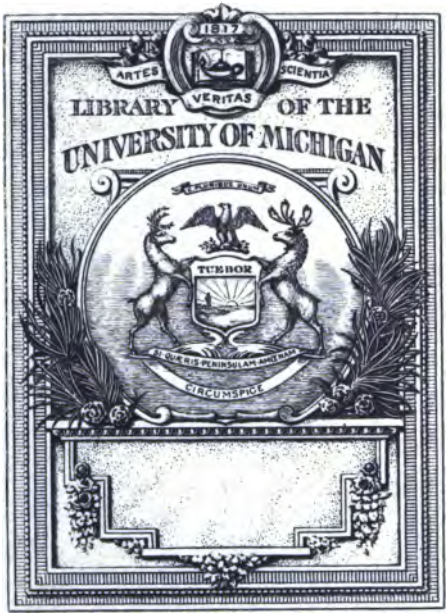
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CANADA

IN 1837-38,

SHOWING,

BY HISTORICAL FACTS,

THE CAUSES OF THE LATE ATTEMPTED REVOLUTION, AND OF ITS FAILURE;

THE PRESENT CONDITION OF THE PEOPLE, AND THEIR FUTURE PROSPECTS,

TOGETHER WITH THE

PERSONAL ADVENTURES OF THE AUTHOR,

AND

OTHERS WHO WERE CONNECTED WITH THE REVOLUTION.

BY E. A. THELLER,

BRIGADIER-GENERAL IN THE CANADIAN REPUBLICAN SERVICE.

"Who strikes at sovereign power had need strike home,
For storms that fail to blow the cedar down,
May tear the branches, but they fix the roots."

IN TWO VOLUMES.

VOL. I.

PHILADELPHIA:

HENRY F. ANNERS.

NEW YORK:—J. & H. G. LANGLEY.

1841.

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TO

COL. RICHARD M. JOHNSON,

VICE PRESIDENT OF THE UNITED STATES,

THE STERN REPUBLICAN—THE ADVOCATE OF LIBERTY—
THE PATRIOT,

THESE PAGES ARE INSCRIBED

[redacted] BY

HIS FRIEND AND FELLOW-CITIZEN,

THE AUTHOR.

INTRODUCTION.

In introducing the following pages to the public, the author is influenced principally by a desire to render a service to his suffering fellow-man. It is his object to afford the American reader, and the friends of liberty, humanity, law, and order, throughout the civilized world, a correct insight into the situation of the Canadas, and its oppressed and unhappy inhabitants.

Since his escape from the Citadel of Quebec, he has been repeatedly and urgently solicited to publish a work of like character; but, fearful of implicating any of those generous individuals who had aided him, and who then resided in the lower province, as well as being, by necessity, obliged, soon after his arrival at home, to embark in the arduous labours of a publisher; and, as the editor of a daily and weekly newspaper, he found but little time to devote to the task. Even now, it is with reluctance he sends to the press his imperfect chapters, written, as they have been, at brief intervals, during the urgency of daily business. He, however, gives them to the reader for what they are worth; careless of the critic, and but desirous that the work may be appreciated for its value, if it possess any, as a matter-of-fact record, and historical sketch of the revolutionary struggles

of the Canadian provinces, and of political incident, connected with the country, from the early settlement of that portion of the American continent.

Great care has been taken in respect to the authenticity of statements of which the author was not personally cognisant: so much so, that he is confident of the general accuracy of the whole. The thrilling incidents and living names which he has introduced, will answer for themselves; and, as to those extraordinary scenes which may appear so rife with fiction, in which himself was an actor, he has the satisfaction of knowing that many of the honourable gentlemen whom he has named, and to whom he has alluded, are still alive, and most of whom are now in this country, ready to solemnly attest to the truth of the narration of the various incidents which they themselves have witnessed, in common with him; some, one or more; but which, collectively, constitute the whole mass. He has been as particular and as minute as his time, and the circumstances under which he laboured would admit; and the more so, to afford a true picture of the appalling wretchedness of a worthy people within the reach of that succour and support which nature requires, and which it is the duty of humanity to extend to the suffering; a duty which, he charitably believes, no American hand would, at any time, have withheld, could its owner have been in possession of the true situation of those who wooed its charities, and cried to it for protection.

It is the first impulse of the persecuted of all nations of the earth, who thirst for liberty, to seek the sympathies, if not fly for protection, to that land which guaranties freedom of conscience, and free-

dom of opinion, to every kindred, sect, and tongue; asking, beneath its sanction, a resting-place and a home, where they might enjoy the birthright of man. And it is a noble trait in the American character—the first impulse of their nature, to welcome with open arms, and minister generous hospitality to the helpless and the destitute. If, then, these sympathies predominate, and the remnants of monarchical territory on our borders must eventually become free and independent, as is apparent to the most casual observer, and the regal sceptre pass from the hands of a foreign monarch to the people themselves, would it not be wise in us to understand the causes that impel the people to wrestle with the serried hordes of those oppressors in the bloody struggles that must intervene? What incipient step can we take, the better to appreciate the justice of their cause, and the merits of those involved, than by informing ourselves of the nature and character of the people, and of what they have done when they were unprepared, and forced prematurely to the last alternative?

With this view, and in the fervent hope that the patriotic citizens of this Union may imbibe a more correct and favourable knowledge of the Canadian character than they have hitherto been impressed with, and that the nature and character of the government under whose sanguinary sway that beautiful portion of America groans and bleeds may be more fully appreciated, has the author compiled these volumes: and, if they do but have a tendency even partially to awaken his fellow-citizens to a true sense of the crying wrongs of the injured, oppressed, enslaved Canadian, he will feel himself more than com-

pensated for all his labours, losses, and individual sufferings in behalf of that honest, virtuous, and patriotic people.

Another object the author has in view; and one that, as a naturalized citizen of this republic, is dear to his heart. He had been tried and condemned, in Upper Canada, for high treason; and ordered to be executed, on the law of the British government, of "once a subject, always a subject." He has felt an anxiety to bring before the American people the important question involved by this act, as connected with the naturalization laws of this country, viz.: Whether, in event of war, it would be prudent for them to allow a foreign government to claim, and enforce allegiance from at least one-fourth of their whole population of free, white, male inhabitants. This question, in the mind of the author, is of such importance, that he has probably dwelt longer upon it, in the course of this work, than some of his readers may have thought necessary; while to others, situated as himself, the matter is considered of so serious a nature, that they may think, on the other hand, he has not said enough about it.

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CANADA IN 1837-38.

CHAPTER I.

State of Canada in 1759—Siege of Quebec, and battle of the "Plains of Abraham."

During a period of more than two centuries, from the discovery of Canada by Jacques Cartier, in 1534, to the cession of that vast country by the then profligate and improvident court of France, to Great Britain, in 1763; the colony of Quebec, deprived of the fostering care of a wise, judicious, humane, and healthy government, had languished, deteriorated, and fallen into that state of depression and political decay by which its natural functions became deadened, and its affairs of state stationary. True, the towns of Quebec, Montreal, and Three Rivers had been founded, but were as yet mere places of rendezvous for the numerous companies of *voyageurs*, who, penetrating the vast forests of the new world in quest of furs, returned at certain periodical seasons to the borders of the St. Lawrence, with the fruits of their traffic with the natives, and of their own hunters' skill. Quebec, in 1622, fourteen years after its foundation, contained but fifty souls.

A fluctuating policy on the part of the French government—a policy which has deluged all Europe with blood, exercised towards this infant colony with relentless prejudice and unbounded credulity, the inseparable attributes of bigotry and superstí-

tion—drove from fellowship and excluded from competition in these rich regions, the talent and the industry of the Protestant; investing the Roman Catholic clergy with unlimited influence, and placing within their grasp a power, which, when wielded by ignorance or an unworthy ambition, was not only calculated to strike a death-blow to the growth and prosperity of the settlers, but forever to retard the developement of the resources of the country.

A proof of which, and of the vigilance of that crafty body in its attention to its temporal concerns, and of the improvidence and lavishness of the hypocritical court of France, may be found in the fact, that at the time of the cession of that colony, the Jesuits had secured to themselves one million of acres of the most eligible lands, and that the other clerical bodies, then established in the country, had obtained grants equally enormous, so that the clergy of Canada owned one-quarter of all the lands conceded in the colony up to that epoch.

These immense domains, together with large and numerous grants of lands conferred upon cadets of noble families, under the title of *Seigneuries*, were spread over the country and divided by tracts of land intended for actual settlers. And the same oppressive system, by which the clergy reserves have been scattered through the present provinces of Upper and Lower Canada, and the intolerable burden of making roads across the unoccupied lands of the privileged classes, for the purpose of communicating with the next, but distant neighbour, or of seeking a market, or a resort for necessary supplies, damped the energies of the industrious colonist, and forbade his penetrating far from the original settlements. And to this cause is to be ascribed the founding of all the French villages on the borders of the rivers. Although the necessity of reciprocal protection contributed largely at first to concentrate the inhabit-

ants, yet the greater difficulty exists to the present day, and acts as an insuperable barrier to the industry and perseverance of emigrants. In fact they have been compelled, in innumerable instances, from these causes, to abandon their establishments, bestowing upon the heartless monopolist the fruits of their labour, and the curses of a ruined family.

The opinion generally entertained, that the relentless character of the aborigines, which impelled them to wage a galling and incessant war against the intruders on their soil, had a tendency to retard the progress of the colony, is not altogether correct. It is of course admitted, that the pioneers of civilization, in every part of America, had to contend against an enemy whose system of warfare was both annoying and injurious to the European, and which added to the toils of the day incessant and sleepless watchfulness; but whose courage, perseverance, and superiority of arms soon taught their savage foe to respect them, and seek their protection and friendship. And had the Canadian settlers (Europeans by blood) given to the Indians the same example of justice and good faith in their dealings, which they evinced of bravery and conduct in battle, a great portion of the calamities which befell their settlements would have been avoided. That the innumerable and injudicious privileges granted to the clergy and nobility, were principal causes of the languid state of the Canadian colony, so long as it remained under the French government, is beyond a doubt, when we take into consideration the fact, that the same causes which were hurrying Old France to an awful catastrophe, had been introduced into New France. Here, as in the mother country, the clergy were all-powerful; rising by their influence over an uneducated population, reduced to poverty by their exactions, to a degree of superiority over the nobility, who were foremost in giving the example of blind obedience to

he dictates of the church: and in return, this last order, charged exclusively with the education of the people, taught them humble submission to the cruel system by which they were deprived of seven-eighths of the fruits of their labour, in the shape of tithes, *cens et rente, lods et ventes, Banalité Corvées*, and other still more degrading proofs of servility.

When, to such powerful agents in the ruin of Canada, is added the oppressive conduct of the different companies of merchants, to whose covetous hands the colony was several times intrusted, need the intelligent wonder at the languid state of Canada during that period. What is a matter of astonishment is, that a people so oppressed, so crushed by the iron wheel of despotism, should have so far retained their attachment to so unjust a government, as to have bravely fought its battles. For, besides the efforts of some of the Indians against the colony, several attempts had been made by the British to conquer it; and they had been so far successful as to make themselves its masters in 1629, but had restored it to the Crown of France by the treaty of St. Germain en Laye, in 1632. In 1729, a century after their first conquest, the British, with a fleet of 34 sail, under Admiral Phipps, again appeared before Quebec, and demanded its surrender. This was refused by the heroic De Frontenac, and after a severe loss, Phipps withdrew his forces. One hundred and seventy-one years had then elapsed since the first settlement of Canada, and the population only amounted to 15,000 souls; but as the Canadian government now felt convinced that the peace with Great Britain could not be of long duration, measures were taken to put the colony in a state of defence. The militia were organized, troops brought from France, and the valiant Montcalm landed at Quebec.

As had been anticipated, a war broke out between England and France, in July, 1755, and was waged by both nations with alternate success until 1759, when the intrepid General Wolfe, with an army of about 5000 men, landed on the island of Orleans, four miles below Quebec. On the 9th July following, he crossed the northern channel of the St. Lawrence, and established his camp at L'Ange Gardien, and a few days after, he attacked the Canadians at the Falls of Montmorency, and was repulsed with the loss of 500 men. This check, which at first seemed to have destroyed his prospect of subduing Quebec during that campaign, ultimately led to the attainment of that object; for to it is due the conception of one of the boldest undertakings that ever graced the page of history—an inspiration of genius soaring above all minor considerations, and challenging all possible consequences. Having prepared for the execution of his daring, yet admirable scheme, Wolfe, by a rapid movement, overthrew every obstacle in his way, and, on the morning of the 12th of September, gaining the heights of Abraham, presented his gallant little army to the astounded enemy, in full battle array under the walls of Quebec. The chivalrous Montcalm, excited to desperation by this masterly piece of generalship, and losing sight of that wise policy which had theretofore governed his movements, unmindful of all consequences, rushed forth from those impregnable walls that might have defied an enemy of an hundred times superior force, and fighting like a desperado, lost his battle, his life, and Canada. His conqueror shared his fate; and the battle of the Plains of Abraham witnessed the exit from the world of two of the bravest antagonist warriors of the age.

On the 18th September, Quebec capitulated, but during the following Spring an effort was made to retake it by the Chevalier de Levy, and a battle was fought at St. Foy, six miles south-west of Quebec;

where the English under General Murray were defeated. Levy then laid siege to Quebec, but the French flotilla having been destroyed, he raised the siege and proceeded to Montreal, where he was followed by General Murray, who expected to form a junction with General Amherst, then coming down the St. Lawrence with reinforcements from the British colonies, now attached to the United States, and Montreal being invested, capitulated on the 9th September, 1760.

On the 10th February, 1763, a treaty of peace was made between the French and English governments, by which the profligate and cruel court of France transferred to Great Britain all her rights to Canada. And thus was a loyal and valiant people bartered away by an unnatural government, and left to the mercy of the most inveterate enemy of their race, their religion, and their laws; and thus ended the influence of France over the continent of America—an influence which during two centuries and a quarter had been exerted to enslave the people, by increasing and perpetuating the odious privileges of their spiritual and temporal masters.

I have deemed it proper thus to preface the history of British domination in Canada, by a brief sketch of the early days of that important portion of North America, under the impression that all interesting matters of fact, which may tend to render a biographical account of our neighbours familiar to the American public, will be received with indulgence, and read with that interest which the importance of their present relations to us demands from the patriot and the philanthropist. And I confidently bespeak the like indulgence while I proceed to review the history of those unhappy provinces, from their cession, down to the period of the gallant but unsuccessful efforts, made by an oppressed people, in 1837 and 8, to shake off the chains of foreign bondage—of mental and physical slavery. In doing

so, the most ordinary intellect will not fail to observe, that if that interesting portion of our continent could attain its present degree of importance and have developed so much, under the system of exactions, intolerance, and proscription pursued by the British government, what proud elevation might she not have reached, had she been favoured with a government exercising the judicious, liberal, and honourable policy of the United States.

CHAPTER II.

State of Canada after the Siege and Battle.

When, in 1763, the appalling intelligence of the cession of Canada was announced on the shores of the St. Lawrence, the grief of a deserted and paralysed people was heard in moans of sorrow and murmured curses, from hamlet to hut, penetrating her denser forests, to the remotest bounds of her civilization. Trusting to the honour of their government—and to the proofs of loyalty they had given their sovereign, and not unmindful, that to advance the interests of France, they had abandoned the green fields of the home of their fathers, for the privations of the New World, the Canadian, in the honesty of his heart, believed the tie that bound him to the mother country was not to be so suddenly and rudely sundered, and he cast off at a breath to the bondage of his abhorred enemy. But such was his doom, from which there was no escape or relief. On the contrary, the painful result was greatly aggravated by some of the first acts of the new government, who lost no time in gratifying the characteristics of British conquerors.

In the winter of 1759, previous to the capitulation of Montreal, it was vaguely reported to the Governor of Quebec, General Murray, that a man by the name of Nadeau, a miller by trade, residing near that city, was gathering arms to favour the French who were then in Montreal; on which intimation an order was forthwith issued to seek him out and hang him wherever found. This cruel order was promptly and thoroughly executed. Nadeau was seized the next morning in his own house, and in the presence of his supplicating family barbarously murdered—these modern Vandals, to prolong the tortures of their victim, resorting to the horrible contrivance of placing an iron crotchet under his chin, and suspending him to a rack of his mill, where he died in indescribable agony. This was the first Canadian blood unjustly spilt by the hands of their tyrants after the capitulation of Quebec; but the people had not to wait long for the second act in the sanguinary drama of their slavery. In 1762, the Indians of Mackinaw, exasperated by the tyrannical behaviour of the British, had murdered the whole garrison of that fort, with the exception of the commanding officer, whose life was saved by De Langlade, a Canadian who had often predicted to the English the result of their cruel treatment of the natives. General Gage, resolved on revenging this insult, now collected an army for that purpose, each colony being obliged to furnish its quantum of soldiers. Canada contributed 609 men, who during that hazardous expedition were subjected to the most cruel and degrading treatment. They were transformed into beasts of burden, made to carry the baggage of even the common soldier, and to work at the point of the bayonet, whilst the British regulars were quietly seated under their tents insultingly laughing at the hardships of their new subjects. And the expedition being finally counter-

manded when the army was at a great distance from Quebec, the Canadians were disbanded and left to make their way to their homes, destitute of provisions or ammunition, through the very enemy against whom they were waging war. Their fate can be easily imagined. A wretched few reached their sad homes, to tell the bereaved families of their friends, that their fathers, husbands, sons, and brothers, had perished by hunger and the tomahawk.

It may readily be imagined that these awful tokens of the cruel character of their conquerors, which preceded the promulgation of the treaty by which the imbecile Louis XV. had ceded so valuable a part of his dominions to England, had cast a gloom over the country, and that these acts of tyranny and blood spread dismay and alarm amongst all classes. Their worst apprehensions were now to be fully realized by the publication of the base act by which they found themselves at the mercy of their unprincipled enemy; who, taking delight in accumulating moral and physical tortures upon its victims, substituted the English code of laws, which, in its criminal enactments, was even too sanguinary for England, and its civil portions too intricate for any country accustomed to such a system as the colonists had long been governed by. Another insult also followed in the organization of the legislative council. That body—an important branch of the new local government—was composed exclusively of strangers, although there were amongst the Canadians men of superior abilities, conversant with the history of the colony, its wants and its resources.

By those two important measures of the British government towards its new colony; first, in excluding from the council all the natives of Canada, they deprived themselves of indispensable means of wisely and justly legislating for a people of whose laws, habits, and customs, wants and means, the Bri-

tish colonial functionaries were, of necessity, ignorant; rendering themselves liable to commit irreparable errors and unpardonable injustice. They also deprived, by that unjust exclusion of the native Canadians from the councils of the colony, their new subjects of the protection which men of respectability and capacity, and in whom they had confidence, would have insured them against the hatred of their new masters.

The introduction of the English laws in the colony was not attended with less danger and evil consequences. This unexpected and tyrannical measure compelled a great number of lawyers, celebrated both for learning and integrity, to withdraw from Canada, leaving the people an unprotected and easy prey to the rapacity of English lawyers, who then inundated the colony. That this picture may not appear exaggerated it may be proper to introduce facts to show that it falls short of the reality. General Murray, whose fame is stained by the horrid murder of Nadeau, and who will not be supposed to have been partial to the Canadians, thus addresses the colonial ministers of England, in 1764. Speaking of the Protestants, he says, "I report them to be in general the most immoral selection of men I ever knew, of course little calculated to make the new subjects enamoured with our laws, religion, and customs, and far less adapted to enforce those laws which are to govern."

The same unimpeachable authority describes the public functionaries appointed by the British government, and the lawless lawyers then oppressing the colony with the burden of their vice and immorality, as follows: "The improper choice of the civil officers sent out increases the inquietude of the colony. Instead of men of genius and undoubted morals, the very reverse have been appointed to the most important offices, and it is impossible to communicate, through them, those impressions of the dignity of

the government by which mankind can be held together in society. The judge pitched upon to conciliate the minds of seventy-five thousand foreigners to the laws of Great Britain, was taken from a jail, entirely ignorant of civil law and of the language of the people."

No correct idea can be formed of the vexatious injustice and fraud practised by the English population upon the honest colonists, who are described as follows by Governor Murray, in the same document: "I glory in having been accused of warmth and firmness in protecting the king's Canadian subjects, and of doing the utmost in my power to gain to my royal master the affections of that brave, hardy, and generous people."

The germs of disaffection had thus been early sown in Canada, and the British part of the population, encouraged by the Machiavelian policy of Great Britain, and considering themselves a superior race of beings, had monopolized not only all the places of honour and profit, but alone exercised the functions of jurors, lawyers, notaries public, &c., &c.

The noble and virtuous resistance of the fathers of this happy republic, to the tyrannical enactments of the barons of England, had now assumed an alarming appearance; and as, in the event of hostilities, Canada would become an easy conquest for the Americans, unless the Canadians were induced to resist the invasion, concessions were made to them, and every possible means resorted to, that the ingenuity of the British government could suggest, to engage them in the defence of their oppressors. The former system of laws was partially re-established, the doors of the Council thrown open to the Canadians, and the invaluable right of sitting as jurors, with other, but unessential privileges, granted to them. These tardy acts of justice, added to the mean and sycophantic manner in which a base and venal clergy proclaimed the generosity and paternal care of the

British government, who maintained them in their lucrative privilege of tithes-gathering,—might be supposed to have had great influence on the minds of a people ignorant of the precious benefits of a representative government; but the Canadians were a sensitive people, mild, yet high-minded, and could not forget the cruel treatment of those who now invoked their aid. Their proud spirits could not brook the insult to their understandings and their feelings; and notwithstanding all the powerful means employed to conciliate them, and unmindful of the dangers attendant upon a demonstration of sympathy for the insurgent Americans, many a brave Canadian joined the ranks of the heroes of the Revolution.

To form an idea of the means employed to awe the Canadians into resistance to the *rebellious* armies, reference might be made to the Memoirs of the energetic Du Calvet, who, after several years of cruel imprisonment, during which he was ruined in health and in fortune, was basely murdered, with his son, by order of Governor Haldeman, the Nero of those days, on board a ship, while on his way to England to complain of the barbarous conduct of that monster. In that document the reader will find the model which Governor Colborne imitated and surpassed in 1837 and 1838.

Hostilities had now commenced, and the intrepid Ethan Allen, by the rapidity and brilliant success of his movements, had alarmed the Canadian authorities. Every possible means were again resorted to, to induce the Canadians to arm themselves in defence of their country. The Roman Catholic Bishop exerted his powerful influence in favour of the British, and, at the request of Governor Carleton, even read and caused to be read throughout the province, a pastoral letter exhorting and commanding the *faithful* to take up arms in behalf of Great Britain. The seigneurs were next employed by the government to rouse the people, but, like the venal clergy, met with

a direct refusal. This was proof that the Canadians were not the servile race they had been supposed; and the manner in which they subsequently welcomed the American army under the daring Allen and chivalrous Montgomery, the aid they afforded the invaders, and the humane manner in which the unfortunate followers of the lamented Montgomery were treated by the citizens of Quebec, exhibited clear evidence that they would have hailed the success of that enterprise with enthusiasm.

The glorious war which terminated in the independence of the United States of America was no sooner at an end, than the few concessions that had been granted to the Canadians by the British government were encroached upon, and the national distinctions renewed. Petitions had been presented to the British government, demanding a constitutional form of government for Canada; and it is remarkable that the petitions of the British demanded the exclusion of the Canadian from either branch, while Canadian petitions prayed only, as they have ever done, for equal rights.

In 1791, the act dividing the province of Quebec into Upper and Lower Canada was passed, and gave to each of those provinces a parliament composed of an executive and a legislative council, both independent of the people, and a house of representatives, elected by certain denominations of voters; but it was not long before this system was discovered to be attended with serious inconveniences, and to confer upon the popular branch a mere shadow of power. With a view to obtain, as far as possible, the influence due to the representative branch of the Canadian parliament, several attempts were made to procure from the imperial legislature the privilege of raising a revenue in the province, and of assuming the payment of the expenditures of the civil government. And it was during that struggle that the deformity of the system was made evident. The

legislative council, composed for the most part of the office holders and pensioners of the province, well knowing that if the payment of their salaries and pensions should devolve upon the colonial parliament, the representative body would exercise a due economy, and exact from the public functionaries a more honest discharge of their respective duties, immediately tortured this offer on the part of the people into a desire to shake off the yoke of England, and declare themselves independent: and such was the virulence of their opposition, and the alarm created in the mind of Sir James H. Craig, that the press of the newspaper called the "Canadian," which strenuously advocated the justice of the people's demand, was seized and destroyed by a large party of soldiers; and the editors, printers, and some of the proprietors were thrown into prison. This high-handed piece of despotism occurred in 1810, and created an excitement which led to remonstrances with the home government, who, convinced that a war with the United States was inevitable, applied themselves to allay the discontent of the Canadians. The prisoners were released; the property seized was restored; the Roman Catholic Bishop, Mr. Plessis, laboured strenuously in favour of the right divine of constituted authorities; one of the most popular victims of the outrage was elevated to the bench; and for the purpose of completing the work of conciliation, an honest man—the just, the wise, the benevolent Prevost—was appointed governor.

The war broke out in 1812, and such had been the effects of the judicious administration of Governor Prevost, that, aided by the interested zeal of the clergy, he succeeded in raising six battalions of militia, composed of men of different origin. The events of this tremendous struggle for absolute dominion over the seas on the part of England, and for an equal right to the use of those highways of nations

on the part of the United States of America, are too well known, and too fresh in the memory of every American, to require here even a passing notice.

CHAPTER III.

Conduct of the British Government—Formation of the "Doric Club," and the Association of the "Sons of Liberty."

It is sufficient for the purposes of this work to expose to the eyes of the world the treacherous policy constantly exercised by England towards her Canadian subjects. No sooner had the war terminated, than the *officials*, the pensioners, and the office-seekers, fearful lest the government should continue the work of reform, commenced that of persecution against Governor Prevost, whose mild and judicious administration of the government, and whose unwillingness to administer to the voracious appetites of the official vultures, had rendered him an object of hatred to the tories of the Canadas. They accused him of having occasioned the loss of the battle of Plattsburgh, where the faded laurels and the bleached bones of the flower of the British army mark the limits of the sacred soil of freedom, never to be polluted by the mercenary bands of tyrannical England; and unwilling to attribute their shameful defeat to the superior skill and valour of their enemy, they declared the commander-in-chief to have been the cause of the disasters of that day, and Prevost was sacrificed.

Elated by this success, the officials and their adherents now applied themselves to all available means of destroying the ascendancy of the French portion of the population; and blinded by their vio-

lent prejudices, they, in 1822, suggested to the imperial parliament the nefarious plan of uniting the two provinces, and of wresting from seven-eighths of the population the rights and privileges guarantied to them by solemn treaties. This plan was, however, considered premature; and owing less to the loud and just remonstrances of the Canadians than to the paucity of British-born subjects then in the provinces, it was abandoned. But, resolved upon this act of injustice, the British government encouraged, nay, compelled emigration; and myriads of wretched victims of spiritual and political oppressions were thrown upon the shores of the St. Lawrence. Meanwhile, the imperial government, by the ministry of its base agent and impotent screen, the legislative council, was fomenting difficulties in the province; and this body now avowed itself the representatives of a section of the population denominated by Lord Durham the Anglo-Saxons; and being, by the constitution, irresponsible to any other branch of the government, shamefully opposed every measure calculated to promote the welfare and education of the people.

As this odious branch of a vicious system has contributed more than any other cause to the calamities which have oppressed the Canadas for many years, and brought about the prostration of an honest, virtuous, and intelligent people, it is proper to hold up to the scorn and indignation of mankind its leading members. Jonathan Sewell, an American tory, distinguished for his hatred of the Canadians, and for his legal murder of McLean, was president of that body, although a member of the executive council, and holding the incompatible situation of chief justice of the province; Judges Kerr and Bowen; John Caldwell, former receiver-general; William Felton, agent of crown lands; Louis Gugy, sheriff of Montreal; H. Ryland, pensioner of the province, and several other salaried officers of the

government, depending upon the annual vote of the house of assembly, were members of the council. The residue was composed of the *seigneurs* of the province inimical to all reform in the existing system of tenure, and of men who, like Francois Qurirœut, had obtained seats in that den of thieves by their vile subserviency to the executive. Two honourable exceptions, however, deserve to be mentioned; and the country owes a large debt of gratitude to the truly honourable Denis B. Viger, and Pascal de Sales Laterriere. These two brave and sincere lovers of their country have ever been ready to devote their brilliant talents and profound knowledge to the protection of the rights of British subjects without distinction. The first has expiated that crime by an imprisonment of eighteen months in the dungeons of Montreal, at the age of more than threescore and ten years. Of the above enumerated *honourables*, the chief justice, president of the legislative, and member of the executive councils of the province, was impeached by the house of assembly, and called to England, where, the people of Canada having no representative or agent, he was acquitted. Judge Kerr was, upon impeachment, dismissed from his functions as judge of the Court of Appeals, Court of King's Bench, and surrogate of the Court of Admiralty. Judge Bowen was under impeachment when the constitution was suspended. John Caldwell robbed the province of a million of dollars, and was allowed to sit in the council several years after his detection, and is at this time at large, residing at the Great Falls, on the river St. John, robbing the state of Maine of her best timber. He was expelled the council on the prayer of the House. William Felton swindled the government out of 40,000 acres of land, and of innumerable sums of money. He, too, was turned out of office, and expelled the council. Louis Gugy was also impeached by the House for malversation,

and deprived of his office, yielding 25,000*l.* per annum. Such, reader, were the leading men of that branch of the legislature so justly stigmatized as a public nuisance.

The feeling of that set of public plunderers next exhibited itself in the rejection of all bills presented to them by the House tending to ameliorate the condition of a people who, by its representatives, disturbed their system of robbery and crime. Innumerable proofs could be adduced of their hostility to the popular branch of the legislature, but it may be confined to one which shows, at the same time, the mean subservience of that contemptible body to the will of the executive.

The house of assembly of Lower Canada, finding that the pecuniary resources of the country were almost wholly absorbed by the wants and actual necessities of an enormous emigration, cast destitute on its shores, passed a bill imposing a tax of one dollar upon each emigrant landed in Canada—thereby forming a fund for the relief of those unfortunate beings. This bill was sent to the council, who rejected it with indignation, as being dictated by a desire on the part of the French Canadians to exclude British-born subjects from the province. The next day the governor received and communicated to the same council, a despatch from the colonial secretary, recommending absolutely this identical measure of protection for the emigrant. This was a strange coincidence, and one would suppose the Canadian senate would have hesitated to adopt, as a wise and liberal measure, that which they had the day before rejected as a selfish and injurious provision. But they were above shame, and despised consistency. They copied the very bill rejected with so much contempt, and sent it to the House, asking its adoption.

It had long been evident to some of the able Canadian politicians, that Great Britain was resolved

upon the destruction of the French Canadian ascendancy in Lower Canada, and that, unwilling to assume the blame and responsibility of any direct measure tending to that object, the plan of the government was to exasperate that people by a dishonest policy, and render them instrumental to their own ruin.

Such has been the diabolical policy of England towards her Canadian subjects. Thus, too, has ever been her policy with Ireland, forever staining her bloody escutcheon. Promises of reform followed by additional oppression and insult, have characterized her conduct during more than thirty years, and the conviction of the Canadian politicians, that such was the aim and object of the Imperial Government, and their unwillingness to plunge their country into the horrors of a civil war, sufficiently and satisfactorily accounts for their long endurance of so odious a system. They had seen their brothers shot down in the streets of Montreal, in 1832, and the perpetrators of that deed of blood complimented by Lord Aylmer, their governor, and favourably noticed by their sovereign in England. They had witnessed the pillage of the revenues of the province. They had long been pained by the shameful spectacle of a vile soldiery, converting the halls of learning and science into licentious barracks; and of a horde of bloated slaves of government, appropriating to their voluptuous enjoyments the revenues of the Jesuits' estates, designed for the education of the people. Their protectors had often been cast into dungeons and persecuted for daring to raise their voice in favour of an oppressed and insulted people. They saw themselves degraded and excluded from all places of honour in the gift of a partial government, as a race of men inferior to their haughty Anglo-Saxon co-subjects. They foresaw nothing but degradation and slavery for their offspring. Yes, this outraged people saw, and they

keenly felt, all these evils, and were daily subjected to innumerable and indescribable acts of injustice. But, what could they do, surrounded as they were by an armed force, unarmed themselves, and deprived of the means of providing weapons either of defence or attack. Worse than all, their vile government, with its accustomed, wily hypocrisy, its gold, and its specious promises, had found means to divide them.

In 1834, an effort was made to unite all classes of reformers; and the house of assembly of Lower Canada, by the adoption and promulgation of the celebrated ninety-two resolutions, convinced Great Britain that her perfidious policy was well understood by the Canadians. A general election soon followed, and, as was anticipated, showed an increase of strength in the ranks of the reformists. Lord Aylmer, who had shed the innocent blood of Canadians, was then recalled, and rewarded by his sovereign for having, more than any other servant of the crown, accelerated the result aimed at by the barbarous diplomacy of the government.

Lord Gosford subsequently took the reins of the Lower Canadian government. In a speech prepared for him by the colonial ministers, he reviewed the catalogue of long existing grievances, and with a view to induce the house of assembly to grant him the supplies previously refused by that body, he faithfully promised their immediate redress, boldly declaring that his master, convinced of the justice of the demand of his *beloved* Canadian subjects, had ordered him to grant all they asked, with the exception of the elegibility of the council. This speech caused an intense sensation throughout the country, and the confiding Canadian people once more began to think that justice would at last be done to them. But their representatives, long accustomed to the bare-faced dishonesty of those sent to govern them, and feelingly alive to the insults and abuse they had

suffered, were determined to act with caution. On the other hand, Lord Gosford, and his associates in the humbug commission, used every possible means art could invent, to procure the aid of some of the leading members of the house. Among other plans resorted to, was the holding out as a bait to the lawyers, too numerous in that body, as well as our legislatures, the seat on the bench vacated by the dismissal of Judge Kerr, as a reward for their exertions in favour of a bill of supplies, which had been immediately asked for by the government, and who had pressed the measure with great anxiety.

It was so fated, however, that an occurrence should soon follow to blight the flattering hopes of the people, and undeceive them as to the intentions of their lying governor, who, like his predecessors, had been chosen their ruler by a perfidious government, for no other qualifications than his unparallelled hypocrisy and his high acquirements as a practitioner in the courts of intrigue and deception. Sir Francis Bond Head, who had lately assumed the government of Upper Canada, had laid before the legislature of the province his instructions, which purported to be similar to those given to Lord Gosford, who had communicated to the legislature of Lower Canada mere extracts and garbled passages of his orders from the colonial ministers. The reformers of Upper Canada, supposing, from the tone of the reform press in the lower province, that some deceit had been practised upon their brothers there, caused a copy of the instructions of Sir F. B. Head to be sent by their speaker, Mr. Bidwell, to the Lower Canada legislature. This occurred several weeks after the opening of parliament, during which the house had wisely delayed the question of the subsidies. The news of the deception was rapidly promulgated throughout the province, and excited more a feeling of contempt for Lord Gosford, than of disappointment at his treachery, and it was soon

discovered that his instructions absolutely forbade any of the reforms which he had so solemnly promised. He became an object of hatred with some, of contempt with others, and in vain did he try to convince the people that his *intentions* were favourable to Canada, that he would write for new instructions, and fulfil his promises if the supplies were granted. Such protestations were loudly and repeatedly made by the members of the former minority, and by the new friends whom the promises of reward had procured for the executive. Among the names of those who deserted their constituents, and prostituted their talents to shelter Lord Gosford from public odium, and to induce the House to grant the necessary subsidies for so despicable a government, is to be found that of the notorious George Vanfelson, an unprincipled lawyer of some legal acquirement, but who now feels convinced that his political delinquencies have forever ruined him in the opinion of the people, and that his impaired reputation for honesty debars him from ever obtaining a situation under even the immoral government of Canada, as the reward of his numerous acts of apostasy to his constituents and country. Edward Carron, another lawyer of limited talents, will take rank with his associate. The colonial government, ever anxious to encourage villany and to reward it, has just appointed him mayor of the city of Quebec. These two apostates were immediately hurled from their seats in the House, by their indignant constituency compelling them to resign. Elzear Bedard, the son of the patriotic Judge Bedard, who has since received the reward of his treachery to his compatriots, was nominated judge, for which exalted station his narrow bigotry and his known dishonesty disqualified him. Several others were induced by them to support Lord Gosford in his demand of subsidies, but their dishonest efforts proved fruitless, and the demand was rejected.

An offer was then made to the executive to grant the means of defraying the expenses of government during six months, to enable the governor to ask for new instructions, based upon his present knowledge of the affairs of the province. A bill to that effect was introduced and passed in the house of assembly, but was rejected by the irresponsible council, who had long since declared itself the representative of the ultra tory party, who so effectually assisted the base government to drive the people to open resistance.

This vile screen of the tyrants of Downing Street, incensed at the repeated refusal, on the part of the people, to give up the only constitutional check they possessed, upon the encroachments of the executive and the insolence of the cormorants of government, and abusing their fatal irresponsibility, rejected several useful and indispensable bills passed by the assembly, among which was "an act for the encouragement of education." By this immoral and wanton proceeding, the senate of Canada closed the doors of the public schools, where forty thousand children were educated gratuitously.

This session of the Lower Canada parliament was closed by a hypocritical speech from the throne, in which Lord Gosford expressed his sorrow that the House had refused to grant to the executive the means of carrying on the government; thereby, he added, exhibiting a want of confidence in the *sincerity* of their gracious sovereign, who had solemnly promised to reform the abuses of government: and his lordship concluded by threatening the province with the awful effects of their refusal to trust their treasury in the hands of their *honest* rulers; and to abandon the only constitutional means left the people to compel the crown to grant them justice.

Agitation became intense. Meetings took place in every town, village, and parish, and votes of

thanks were offered to the majority of the House, who had remained firm in the defence of the rights of the people. But a tyrannical government had long since determined to commit a double act of injustice; the disfranchisement of the French part of the population, and the restriction of the constitutional liberties of the Anglo-Saxons, (as Lord Durham called them,) who, blinded by their narrow prejudices against the first settlers in Canada, owing to their origin and their religion, did not perceive that they were assisting the British government to circumscribe their own rights, and to restrict their privileges. After having contributed by their clamours to the disfranchisement of the French Canadians, they now find themselves reduced to a state of slavery under a despotic ruler, with the painful conviction, that the constitution promised them is a mere mockery.

Various associations were then formed, among which the "Sons of Liberty" and the "Doric Club" were the most conspicuous. The former was composed of zealous reformists, and the latter of the most virulent enemies of the French Canadians. These bodies, who were destined to be the actors in the first trial of strength between the parties, were stationed in Montreal.

If any thing at this period had been required to exasperate the public feeling, and to endanger the peace of the country, it was found in the intelligence that the imperial parliament, trampling upon the constitutional rights of the people, had illegally arrogated to itself the right of seizing upon the treasury of the province, and of distributing its contents among the irresponsible officials. That tyrannical measure was communicated to the parliament by Lord Gosford, who tauntingly and insultingly charged the representatives of the people with the blame of that atrocious act of despotism, and with the evil consequences that might flow from its adoption.

This was the last communication that took place between the executive and the people through their representatives. Hatred and contempt for so base and cruel a government were then openly expressed, and the country appeared to be on the verge of rebellion. The reports of public meetings and their proceedings were constantly thundering in the ears of government, convincing Lord Gosford that the Canadians would not tamely submit to be driven into a worse state of slavery than they had already endured. Rencounters followed, and one in particular threatened to be the commencement, and was in fact the prelude to civil war.

The "Sons of Liberty" having assembled to express their indignation at the conduct of the British parliament, were attacked by the "Doric Club," in the streets of Montreal; but after a long conflict, they drove their enemies before them, and reaped the first laurels in the struggle of freemen against oppression in Canada. It is said no firearms were used on the occasion; but swords, axes, and other deadly weapons were seen in the hands of the Doric Club. None were killed, but many severely wounded. The Sons of Liberty dispersing after the contest, the Doric Club and military who conducted them reassembled, mobbed and destroyed the printing office of the "Vindicator;" and although this outrage was committed in open day, and in the presence of several magistrates, no notice was taken of it by the authorities.

It then became evident that a general conflict could not long be delayed. An immense meeting had taken place at St. Charles, on the river Chambly, where a LIBERTY POLE was erected, and a solemn engagement entered into by thousands to free their country from oppression, or perish in the attempt. Louis Joseph Papineau, in whose person the love, admiration, and confidence of a whole people was concentrated, addressed the immense crowd

of brave men before him, promising to guide them in their laudable efforts in the sacred cause of freedom, and solemnly swearing to conquer or die at the head of the patriot phalanx now arranged against tyranny and oppression. How far he has accomplished that solemn vow will be made evident to the reader in succeeding pages of this work. On his head rests a fearful, an awful responsibility. "St. Charles" was destined to witness the zenith of his glory, and the loss of his honour. Instead of the brave, devoted leader, the Canadians found in him the pusillanimous coward. In him they had raised a colossus;—he crushed them in his fall.

CHAPTER IV.

St. Charles—Arrest and rescue of Desmarais and Davignon—Battles of St. Dennis and St. Charles.

THE 23d day of October, 1837, will be a memorable epoch in the history of Lower Canada. It was a proud day for the lovers of liberty. The people, smarting under the lash of injustice, and the tyranny of their rulers, assembled in solemn convention on the banks of the Chambly, to seek a remedy for their wrongs—to protest against the proceedings of their government, and to pledge their faith unto each other to resist further encroachments from their ruling despots. It was an animating and soul-stirring scene. The immense crowds assembled around the emblem representing their most ardent wishes, and pouring forth their fervent prayers to the God of justice for the speedy liberation of their oppressed country—the numerous brilliant banners, reflecting, as it were, the sentiments which animated

their bosoms—the eloquent appeals to the Goddess of Liberty, and the burning denunciations of the tyrants who wished to perpetuate their slavery—the dazzling descriptions of the invaluable blessings enjoyed by the Americans—the joyous acclamations of thousands, commingled with the thunder of cannon, echoed and re-echoed by the surrounding mountains, were all calculated to inspire the spectator with not only awe and admiration, but with those pure and lofty feelings of patriotism, which have dictated and achieved the only great principles of equality and freedom whose institutions adorn the earth.

Here Papineau's genius soared beyond passing events, and, penetrating the secrets of futurity, exhibited before the eyes of his admiring countrymen, Canada regenerated, disenthralled, and blessed with a liberal government, under the auspices of which, favoured as it was with the richest gifts of Providence, inhabited by a virtuous and hardy race of men, emulating her happy neighbours in the arts, the sciences, and in wealth. Pointing out to them the road to freedom, and swearing to head the sacred phalanx enrolled under the banner of liberty, his brave hearers pledged "their lives, their fortunes, and their sacred honour," for the regeneration of their country, and in a burst of enthusiastic devotion proclaimed themselves ready to follow him to liberty or death.

Every county—every parish in the province responded with enthusiasm to the solemn appeal of this convention, and resolutions expressive of their want of confidence in their rulers in Downing Street, and of their determination to obtain justice *coute qui coute*, were everywhere immediately adopted. Papineau was invited to preside at meetings in various parts of the province, and was everywhere received as the acknowledged leader in whom the people placed unlimited confidence. His journey

through the counties was one continued triumph, and his receptions resembled more the welcome offered to a military chieftain by his troops on the eve of battle, than the greetings of hospitable citizens. Companies of armed men escorted him everywhere, and amid the discharge of musketry and artillery could be heard the loud and determined vow to fight and die if necessary under such a champion. It now become evident that a crisis was at hand, and the apparent stupor of the local government brought forth the most violent censure against the executive, from the loyalists, and was a source of astonishment to all. However, the true policy of the government was soon made known. The executive council held several extra sessions, and the result was the emanation of numerous warrants for high treason, against most of the conspicuous actors in the proceedings, condemnatory of the despotic and criminal seizure of the treasury of the Province by the British ministry.

A detachment of the Montreal volunteer cavalry, under the command of Capt. Moulson, proceeded to St. John's, and arrested P. P. Desmarais, and Dr. Joseph Davignon, two highly respectable and influential gentlemen of that place, and with a view to strike terror to the minds of the people of that part of the district of Montreal, where the excitement appeared the most intense. The valiant band of horsemen dragged their two prisoners, heavily ironed, through a circuitous route, along the populous and patriotic banks of the river Chambly. But the brave men of that section of the country, though unaccustomed to the gorgeous display of military bands, were not to be intimidated by the martial appearance of the Montreal cavalry; and the heroes who had achieved the brilliant exploit of tearing two unarmed men out of their beds at midnight, to avoid resistance, were soon to learn they had put but a poor estimate upon the character of the men whom they sought

to frighten into submission to the will of a government which had proved partial, and was in itself the accomplice of the most violent and deadly enemies of the Canadian race.

The silly perpetrators of this vain parade of two of the most valued friends of the people, in so affecting a situation, amid men already rendered desperate by years of suffering and numberless acts of British arrogance, would have been exterminated before they had proceeded far in their triumphal march, had it not been felt by the leaders of the people, that instead of disheartening their party, the sight of two honest and respected citizens, thus abused and insulted, for having advocated the principles of equal rights and equal justice, would exasperate the citizens and cement their union in defence of their constitutional privileges. However, it was resolved, that the two prisoners should be rescued before they reached Montreal. A bold party of farmers, of the parish of Longuieul, volunteered their services, and taking post behind a fence on the main road where the cavalcade had to pass, lay in wait. Meantime the brave cavaliers having already traversed the whole of that portion of the district of Montreal, considered by the tories as the crater of the volcano, and exulting in the success of their daring enterprise, enjoying by anticipation the warm reception and flattering compliments which awaited their arrival at head-quarters, suddenly encounter an unarmed man, who advances towards the carriage containing the prisoners, a fellow by the name of Malo—a renegade Canadian constable—and several other guards, and seizing the rein of one of the leading horses, orders the driver to stop. The daring attempt is met by a shot from Malo's rifle, and the discharge of several pistols at the brave fellow, who nothing daunted, holds firmly the leaders, and repeats his order, whilst the whistling of the balls from the fowling pieces, from behind the fence, in-

duces the "*Queen's braves*" to decamp across the fields, leaving the carriage and prisoners a prize to the friends of Messrs Davignon and Desmarais. One of those gallant soldiers, however, discharged his pistol at the prisoners before running away; but so precipitately, and from a hand trembling with fear, that it did no other execution than grazing the shoulder of Mr. Desmarais. This first adventurous little skirmish convinced the people, that hostilities had commenced in earnest, and that the question between them and the government must be decided by the sword. It also inspired confidence in the party, showing them that the disciplined mercenaries of tyrants are far from invulnerable when opposed by men resolved to be free.

The affrighted party of cavalry arrived at Montreal *en deroute*, reporting that the whole section of country through which they had passed had risen *en masse*. On the following morning, Lieut. Col. Wetherall, Capt. Glasgow, and Capt. David, of the Montreal cavalry, each with a detachment under his command, took up their line of march to the place of the skirmish, accompanied by the deputy sheriff of Montreal, and two magistrates, with orders to march through the district of Chambly and overawe the disaffected *habitans*. Hostilities were now commenced. "The long desired blow is at last struck by the government," said the Montreal Courier, in announcing the rescue of Davignon and Desmarais. "Blood has at last been shed by the rebels, who now stand unmasked, and fairly subject to the worst penalties of the laws they have insulted. No British subject could desire better things." The other papers emulated this tone. "We have reason to *hope*," says another, "that a considerable number of additional arrests are likely to be made. The more men the better." And again: "No stone must be left unturned to ensure the arrest of every man against whom evidence can be found

to warrant a fair hope of his conviction." Arrest now succeeded arrest. In Montreal the jails were crowded with prisoners of state; the streets resounded with the clang of arms; and the whole city presented a government reign of terror—the magistrates having returned to Montreal, and the regular military being stationed at Chambly. The patriot strength lay principally amongst the devoted French population in the district south of Montreal, along the Richelieu, where the now proscribed leaders, who had thus far escaped from arrest, assembled and commenced their organization. Dr. Wolfred Nelson fortified his precinct at St. Dennis, and Mr. T. S. Brown, and others, theirs at St. Charles, where the most popular adherents assembled and prepared for defence.

The whole country between the intermediate points then presented a scene of distress. Houses were deserted, with their doors and windows nailed up, and notwithstanding rigorous research, neither arms nor inmates could be found. In some instances the fires were still burning when the desolate hearths were invaded by the troops, but no woman nor child were there to trust themselves to their military visiters. All had fled; and in a British province, a British commander, acting under the authority of his government, witnessed the sad but impressive spectacle of his presence being viewed by the people as if a foreign and sanguinary foe had invaded their homes, instead of meeting the encouragement and assistance which the recognized forces of a paternal government, called in the exercise of their vocation to protect the public peace, and protect the public tranquillity, had a right to expect.

Any person who has in the slightest manner examined into the objects of the government, will have observed that it was its policy, as well as the policy of the violent loyalists of Montreal, to drive the Canadians into measures which would precipitate the outbreak, and take the advantage of their but partial

organization, their want of discipline and arms. The sooner they were driven into revolution, would the discipline of the regular troops, and the rapidity with which they could be transported by steam vessels to various sections of the country, afford them a prospect of destroying their schemes in embryo, by seizing their leaders as prisoners for overt acts of treason, or of hunting them from the country of their birth as fugitive exiles. They knew that in inclement weather, and amid the deep snows of a Canadian winter, with which the revolutionists were familiar, their advantages were greatly superior to those of the European soldier; that when the St. Lawrence was closed by the ice, no relief could be extended to them by water communication, and that they might be starved out if they did not yield to the patriots. Such was no new policy for England. The fomenting and irritating premature discontent into covert rebellion, that she might crush it in its unorganized weakness, by the armed heel of a military despotism, has been one of her boasted stratagems of diplomacy from time immemorable. How often has she thus visited unhappy Ireland? Let the reader but peruse the history of "my own, my native land," and will he not shudder over the scenes of blood and misery which have followed in the train of premature outbreaks, and defeated rebellions?

Of course, the government could easily fancy outrages enough, if not create them; and the first, which was a trivial affair, with regard to a few bushels of wheat being seized on its way to Montreal, was sufficient to call for blood. The civil government surrendered its functions to the commander of the forces, Sir John Colborne, and the bayonet and the bullet commenced the deadly work. Lieut. Col. Wetherall was strongly reinforced, and ordered from his station at Chambly to march upon St. Charles, there to disperse the patriots by process of military assault, and another force to be prepared to proceed up the river

Sorel, to co-operate, under Lieut. Col. Gore, against the same point from an opposite direction, enclosing the patriots between hostile fires. This detachment was the first of the British army which had for years been brought in collision with the people. It left Montreal on the 22d November, consisting of four companies of infantry, one of artillery, a small body of cavalry, and a howitzer, and proceeded down the St. Lawrence to Sorel, forty-five miles, in the steamboat Saint George, under the command of Lieut. Col. Hughes, Capt. Markham, and Capt. Crompton. Here they landed at ten o'clock at night, and in a torrent of rain took up the line of march for the hostile district, their men wading in mud, knee deep, over roads broken up by rain and frost.

On the morning of the next day, an unexpected accident, which had made the patriots aware of their proximity, brought them into conflict with a powerful body of the armed inhabitants, by whom they were completely checked. Lieutenant Weir, of the 32d regiment, had been sent from Montreal by land, with despatches for Colonel Gore, but, reaching Sorel after the expedition had departed, he hired a calèche, and set off with a view to overtake them at St. Charles. There are two parallel roads from Sorel, which converge four miles from St. Ours. On the eastern, and most circuitous route, the troops had marched. Lieutenant Weir, by mistake, took the other, and travelling much more rapidly, passed them, and arrived at St. Dennis, a small village on the south bank of the river, about 2 o'clock in the morning. His expression of surprise at not seeing soldiers, was the first intimation that hostile troops were approaching. He was immediately arrested and searched, and his intelligence communicated to Doctor W. Nelson, who took him to breakfast with him, and directing him to be treated with the utmost politeness and attention, prepared promptly and efficiently to dispute their passage.

On the cavalry, which formed the advance guard of the approaching detachment, reaching St. Dennis, they found the patriots posted to receive them, who fired upon them from the houses and sides of the road, when they instantly fell back upon the main body. The entire force was then brought up, and, after a severe skirmish, and several on either side killed and wounded, they succeeded in clearing most of the houses and barns. The main body of the patriots were, however, stationed in a large, strong, stone house, near the entrance of the village, from which a strong and galling fire was kept up upon the troops. Colonel Gore directed the fire of his howitzer against this building, but such was the spirit and obstinacy with which the patriots continued their fire, that he was compelled to retreat with the loss of his howitzer, seven or eight killed, and as many wounded, among whom was Captain Markham. The steamboat Varennes, which had been ordered to follow up the river Richelieu, to support the troops with supplies of provision and ammunition, was attacked by the populace at St. Ours, about nine miles below St. Dennis, and driven back. The troops were consequently compelled to make their retreat in wretched plight back to Sorel, as they best might, many of them having lost their shoes in the mud; their artillery, and even wounded comrades having been left behind, and all being utterly fatigued and disheartened. They, however, reached Sorel in safety, having met upon their way a considerable reinforcement from Montreal, sent down in consequence of the despatches which had been forwarded with the result of their operations, and which, it was deemed more prudent, should retrace its steps with the detachment it had come to succour.

The courage and firmness of the patriots in this action, cost them greater loss of life than their enemies. The merciless discharge of the howitzer into

the large building, which was crowded with men, occasioned a profuse and melancholy destruction of life, and many others were killed and wounded by musketry in the course of the affair. The entire number has been variously estimated, and probably was not far short of one hundred—a frightful carnage, which few will be hardy enough to say was rendered indispensable by any political necessity. Although this action was attended with this heavy loss to the undisciplined patriots, still it was successful, and exerted a proportionate influence on their cause. A formidable body of royal troops, forming part of a combined military operation of the highest importance, had been successfully intercepted, and compelled to make a retreat so precipitate that even the succours sent to their assistance were found insufficient to retrieve the disaster, and retrograded with them. The friends of the popular cause were highly stimulated, and the survivors at St. Dennis were as ready to meet their foe at St. Charles, as were the heroes of Lexington to encounter the enemy at Concord.

The other expedition against St. Charles, under Lieutenant-Colonel Wetherall, left their station at Chambly, pursuant to instructions, at the same hour and day at which Colonel Gore had proceeded from Sorel, but with a stronger force, consisting of four companies of the Royals, two of the 66th, two pieces of artillery, and a small body of cavalry. The difficulties in their night march, from the weather and the roads, so retarded their progress, that they only reached Rouville, which is about seven miles from St. Charles, on the forenoon of Thursday. There, finding the bridge removed, they were enforced to encamp for the night; and the following day was likewise spent in refreshing the troops and in obtaining information. On the morning of Saturday, the whole, reinforced by an additional company of the Royals, which had followed them from St.

Johns, and now amounting to upwards of five hundred men, reached St. Charles, where they found from two to three hundred patriots strongly entrenched, though entirely undisciplined, and mostly unacquainted with arms; and the whole without any definite plan of action. The result of the conflict may be easily imagined under these circumstances, when no effort at pacification was made by the powerful force of trained soldiers armed for their destruction. A spirited fire from the patriots at first checked the troops, and even threw them into confusion; but the force of discipline and superior armament prevailed, and the rout was complete at every point. Panting for the applause of the intolerant faction, whose hopes and spirits drew an exhilirating nourishment from the aggravated wretchedness of their profound national calamities, the conqueror of St. Charles flanked his operations by murderous discharges of grape from his cannon upon the crowded peasantry, and added to the havoc of the bullet and the cannon-ball, the direct carnage of the bayonet and the torch. "They fought very well while their ammunition lasted," said an eye-witness, "and they were charged by the bayonet, and the butchery was dreadful. Upwards of one hundred were in a barn, full of hay and straw, which was set fire to, and they were burned alive or smothered. The malcontents lost at least five hundred men by shot, fire, and water." Another stated that nearly one hundred men were driven into the river, and perished. The village was entirely destroyed in the attack, the houses being nearly all fired by the soldiery. It was stated in the Montreal Courier, that hot shot was used by the artillery in making the attack; but still another account says, the patriots lost but about one hundred until after being routed from their main position. Not a wounded man was left —sixty-three of whom were bayonetted. The cry of no quarter urged the soldiers to this inhuman act.

But all this savage massacre yet did not break the spirit of the remnant of that broken throng of heroes; and Wetherall's victory over a village in ashes, and amid the groans and shrieks of his dying victims, was not all complete; for numbers of patriots in the adjoining districts, attracted by the firing, rushed to the scene of action, and bringing the scattering villagers once more to the rally, beat him back, and forced his retreat to Rouville, resolved to stop his march upon St. Dennis, and crowning his arms by an attack on Nelson's force—a force, alas! which, had it been permitted to come up, when Nelson requested the privilege, would have brought off the patriots in triumph. Nelson had been to Brown, tendering his services, when announcing his victory over Gore, and when his troops were flushed with victory, and received for answer that they wanted none of his assistance. Yet, this same Brown was the first to desert his post on the commencement of the attack, leaving the gallant Marschessault, (who shot Wetherall's horse from under him, and who is now in Vermont, after being sent to Bermuda,) to sustain the action.

Colonel Malhoit, who was out with a picket guard of four men, was also guilty of an oversight, which would have saved much bloodshed on the part of the patriots, and probably have cut off the whole of the government troops, if not have proved the means of enforcing a successful issue to the insurrection throughout the Lower Province. Sir John Colborne, on learning the defeat of Colonel Gore at St. Dennis, had ordered an immediate retreat of all the forces back to Montreal, and sent duplicate copies by two expresses to Wetherall, both of whom falling into the hands of Malhoit, he examined their papers, and instead of permitting them to reach their destination, and thereby preventing even the risk of the battle at St. Charles, kept and concealed them. Had he taken the right view of the subject, there

could have been little or no difficulty in picking off Wetherall's force on their retreat, for in Montreal all had become anxiety and alarm. The defeat of Colonel Gore, and the absence of intelligence from Wetherall, produced terror and consternation. The specie in the banks was sent to Quebec, and several thousand stand of arms, with supplies and ammunition, were likewise sent. The jail, crowded with prisoners of every rank, was fortified, and the outlets to the city barricadoed, and above two thousand volunteers, fully armed and equipped, called into service.

At St. Dennis an unfortunate occurrence took place, in the death of Lieutenant Weir, which should not be overlooked, after the vile uses made of it by the British authorities. On the approach of the troops into St. Dennis, and when Doctor Nelson was under the necessity of heading his own to meet them, he deemed it proper to put his prisoner in a place of greater security; and to do so, consigned him to the charge of one of his officers, with a guard of some three or four men, with instructions to forward him on to head-quarters, at St. Charles; to treat him with all possible attention, but not to permit him to escape. This fact I know from others, as well as from his own lips; and that he gave the order in presence of Lieutenant Weir, with assurance of kind treatment, and begging him to take into consideration the propriety of his order, and his not being refractory. It appears, however, that soon after leaving the village, and when on the way to St. Charles, the noise of the firing at St. Dennis stimulated him to attempt his escape. After a short struggle, he loosened one of his arms, jumped from the waggon, and commenced running. He was fired at by the guards, who followed in hot pursuit, soon overtaken, and on his making all the resistance in his power, finally killed in the struggle, his body being much hacked by the weapons of his guard. His body was thrown into

the ditch, and momentarily to conceal it, covered with stones; when afterwards discovered, taken to Montreal, and there interred with all the pomp and ceremony necessary to awaken the old British horror against Frenchmen, Jacobins, and bloodthirsty revolutionists. This is the amount of a tale of horror, for which the British excuse their own reeking hands from being dabbled in innocent blood up to their armpits, the cry of "no quarter" at St. Charles, and the consequent butchery.

The utmost anxiety prevailed now with regard to the course the United States would probably take in the troubles. It was known that the citizens all along the frontier line, true to the natural sympathies of freemen, were enthusiastically interested in favour of the patriots; and this feeling gave such an immense weight and moral power to the liberal cause, that it was deemed of the utmost importance to dissipate it, at least as a general fact, in the present juncture of affairs, and before there could be time for disclosing the true sentiments of the American people at large. In Montreal there reside a considerable number of American merchants, who, of course, were strongly interested in the continuance of peace and public order; and a still larger number of individuals descended from tories expatriated in the progress of the American Revolution, and who appear to have transmitted their love of British rule to their posterity, with their principles. Indeed, during the last war between Great Britain and the United States, were numberless families of the same political calibre; and if we may judge from their tory exultation over patriot defeats, and in the success of anti-republican principles, many of the States of the Union are still afflicted with the same curse. The English United Service Journal, of a late date, elucidates this character and the facts assumed, in reflecting upon "a plan of the leaders of the federal party in New England, during the war," by speak

ing of "a contemplated separation of the northern from the southern and western states, to establish a limited monarchy in the former, by placing one of the British princes of the blood on the throne, and strengthening the new transatlantic kingdom by an alliance, offensive and defensive, with England. The treaty of Ghent," continues that publication, "put a stop to the correspondence which was in active progress on this subject; BUT THAT CORRESPONDENCE IS STILL IN EXISTENCE: and however improbable it may appear to Yankee pride, were a war to break out again between us, something similar would occur before the United States were two years older. *The destruction of the public buildings* at the nominal seat of the federal government, it was conceived, would indirectly, if not directly, forward the view of the New England separatists."

There was, therefore, no difficulty in getting up a meeting in Montreal, which, in the words of its call, embraced all citizens of "*American origin*," for the purpose of counteracting the dangerous tendency of this American sympathy, and of expressing their conviction that the belief which was admitted to exist among the "disaffected"—that their cause "met with the sympathies and was likely to enlist the support of the inhabitants of the United States,"—was "unfounded," and who could pass resolutions pledging themselves "to counteract by constant and earnest effort, the designs of the treasonable and seditious," declaring that all analogy between the American revolution and the present attempt to resist a "mild and equitable local government," was not only "totally unfounded" but "perversely false;" and who, further, actuated by a patriotic desire of "preventing the practice of a gross and wicked imposition" on the citizens of this nation, to the prejudice of their adopted land, could pledge themselves to go any length their rulers could desire in defence of their allegiance, and for the restoration of the

former state of things under the royal government.

As the news of the insurrection, however, spread into the states, an enthusiastic unanimity of public opinion in favour of the patriotic cause forever vindicated the word American from the degradation of even a moment's association with the sentiments thus volunteered by these money-changing recreants and gamblers, in behalf of their country. In Middleburg, Burlington, in St. Albans, Buffalo, Albany, Troy, Rochester, New York, and almost every city and town of note, in the states bordering on the Canadas, public meetings were held, at which the warmest resolutions of sympathy and support in favour of the patriotic cause were adopted; and in the places more immediately to the frontier, no considerations of national policy or discretion could prevent even the most active assistance to the insurgents. Money, provisions, ammunition, and clothing, were collected. Volunteer corps were organized, and committees were appointed to distribute these supplies to the best advantage. Every trace of the unpleasant recollections, engendered by the imbittered border hostilities of the late war, was in a moment obliterated by the generous sympathy of freemen, for an attempt, so boldly, though hopelessly made, to secure the inappreciable right of self-government, and to defend the most sacred rights of men against the parricidal tyranny of a legal government, which sought to oppress them.

On the twenty-eighth, Col. Wetherall continued his retreat to Chambly. On the way, an attempt was made to intercept him at Point Olivière, by a large number of the patriots, who, from ineffectual organization, were repulsed, with the loss of two small ship cannon, and he was permitted to proceed on his way to the city without further annoyance. The return of this "victorious and gallant" army to Montreal, which they reached on the thirtieth of Novem-

ber, was signalized, if we credit the papers of that city, with the formalities of a Roman triumph. It is a pity to spoil the language in which the procession was recorded at the time. "It was an interesting sight," said the Montreal Courier, "to the hundreds who crowded on the wharf to witness it. The cavalry landed first, two of them carrying the liberty pole and cap erected at St. Charles, at the meeting of the six counties, with its wooden tablet bearing the inscription '*A Papineau par ses concitoyens reconnaissans,*' the former fragment of the spoils looking sadly like a fool's cap on a barber's pole. The artillery followed with the two little guns taken at St. Olivière, in addition to their proper armament. After them rode the commanding officer, followed by the bands of the Royals and the infantry; the first company of whom followed the prisoners, thirty-two in number." The happy sarcasm in this account must have been wonderfully heightened by the reflection, that the simple but significant monument of popular gratitude which was its object, (that was purchased for that unfeeling parade by a destruction of human life that appals the heart,) guarantied, by its presence, the suppression of the treasonable feelings of which it was the emblem, by the almost utter extinction of the simple race who committed the enormity of indulging them by its erection. It is to be hoped that the pleasing emotions it must be calculated to excite in the breast of all loyal tories, may be gratified in future time, by having an offering so creditable to the national arms, deposited in that proud fane of British glory, where the tattered ensigns of extinguished rebels in Ireland, and of blood-hunted Covenanters in Scotland, wave over the tombs of sleeping monarchs, in melancholy conjunction with the virgin standards of Bunker's Hill, and the trophies of such days as Trafalgar, Cape Vincent, and Waterloo.

The detachment of Col. Gore, left, since his defeat,

inactive at Sorel, was now reinforced with all the disposable force at Montreal. Two field pieces, a supply of congreve rockets, which it may be fairly presumed would prove as effectual in firing cottages, as in the destruction of beleagured citadels, with a body of the royal artillery, the light company of the 24th, under Capt. Maitland, three companies of the 32d, under Capt. Brown, one company of the 83d, under Capt. Elmsley, and a squadron of the Montreal cavalry, amounting altogether, with those already at Sorel, to a force so formidable, that it occasioned uneasiness in the minds of some who thought that enough of blood had not yet been shed, lest it might disappoint their hopes of overawing resistance. "*We are not sanguine enough to expect that any regular opposition will be attempted,*" is the singular language, certainly warranting such a conclusion, in which the Montreal journalist announced its departure. It is, however, gratifying to record that these humane expectations were fulfilled, and the expedition marched through the whole of the hostile district without opposition. They made two prisoners at the village of St. Ours, M. J. Dorion, a member of the Provincial Parliament, and Mr. Louis Mogé, a captain of militia, who were sent, with their fellow-sufferers, to the jail of Montreal, on the charge of high treason. As they entered St. Dennis, the villagers retired before them, and left these heroes to take unmolested revenge for the mortification of their former repulse. The private house of Dr. W. Nelson, and that of his partner in business, Mr. Deschambault, after being thoroughly plundered by the soldiery, were set on fire. The extensive distillery and outbuildings of these gentlemen, with much valuable machinery, shared the same fate. The taverns of the village, and some other houses, the owners of whom had rendered themselves obnoxious, were also destroyed. They likewise recovered the gun they had deserted in their

former visit, and the wounded companions they had left behind at the same time. The trophies and munitions of war seized upon the occasion, consisted of about four thousand bushels of good oats and barley, a new steam-engine, belonging to Dr. Nelson, valued at two thousand pounds, and various private chattles, estimated, in all, at nearly sixty thousand dollars, which was divided among the captors as prize money. They then continued their march to St. Charles, and along the course of the Richelieu, leaving strong garrisons in the several villages where the patriotic spirit was known to be most rife.

The seizure of Dr. Wolfred Nelson's papers, at St. Dennis, it was expected would implicate many distinguished reformers much more deeply than the reality evinced. Among the most important of these was a letter from Papineau, and a school-boy letter from Dr. Nelson's son, written at the age of fourteen. Papineau, speaking of the discontents in Upper Canada, said, "I see it is with them, as with us, without concert, and without a comparison of views; their young men are procuring arms, and accustoming themselves to their use. The excitement is intense. They wish to send a deputation of seven members to a convention, or, as they call it, a congress of the two provinces, in which they should prepare a project of a purely democratic constitution, and tell England this is what we must have under her administration, if we have justice—and independently of her if she will not concede it. As for myself, I am of opinion that our plan of non-consumption and agitation, which will render the colony more burdensome to England, by the necessity of an increased military force, and the diminution of her commerce, is by far the best policy to pursue for the present. Continue you to push it as vigorously as you can."

That of the doctor's little son was as follows: "I wish that it will do well, and without any noise, which I hate very much, except with the other side.

I believe that the prediction of that man named Bourgeoi, will be accomplished, which is, that the province will be all covered with blood and dead bodies."

For these letters did the Montreal Herald, and another journal, charge the government with useless and culpable leniency in "fattening Dr. Nelson for the gallows," declaring that "death on the scaffold was the best example such a father could give to such a child."

The whole causes and extent of the insurrection were now, in fact, plainly discernible, and the tyrannical severity of the colonial government stood darkly forth to the eyes of all reflecting men as utterly unjustifiable, except on the principles of a code of policy, which it would be dishonour, in the present age, to associate with the name of government. The plea of self-preservation cannot be used, as an excuse for the remorseless cruelty with which it made its tiger spring upon the defenceless population, guilty only of the crime of seeking the political regeneration of their native land. All that had been, as some of the ablest men of our country have said, prior to the issuing of secret orders by the government against some of the best and purest men of the province, was through peaceable and public assemblages of the people. They conceived that they had great and crying grievances to complain of; oppression and insolence had driven them to public declarations of what they conceived to be invasions of great and unalienable rights, and to the abuses of power—but they had resorted to no violence, or menace, or organized hostility, beyond that of assembling in a public and constitutional manner. In this respect they had not proceeded so far, by half, as is every day permitted in the mother country, and is justified, and, indeed, guarantied by the British constitution.

Every act on the part of the people was consistent

and just, and, as may be seen, the government commenced hostilities by the arrest of Dr. Davignon and Mr. Demarais, on unfounded charges of high treason, and followed up their rescue by sending armed troops to arrest Dr. Nelson and others, for the high crime of peaceably assembling to represent their grievances. The gallant defence at St. Dennis to protect his life from the executioner's block, was then made the signal for indiscriminate slaughter, followed by the unfortunate catastrophe at St. Charles, where the drunkenness and cowardice of Thomas S. Brown, and the unaccountable desertion of Louis Joseph Papineau, sacrificed the bravest band of men who had fallen since the massacre at Dartmoor. I have said, and I repeat with undisguised pain and sorrow, the unaccountable desertion of Mr. Papineau, for he was at St. Charles when the firing commenced—had been seen there when Dr. Nelson went to tender his aid —and he and Brown, the only two men to flee the battle-ground, and the two last that were ever expected to desert the patriot standard. But let the mantle of oblivion cover their errors—remorse, nor the pangs of death, can alleviate the distresses of the broken-hearted widow, or the helpless orphan. And yet—how tauntingly cruel in that accursed government to insult real heroes by offers of large rewards for the apprehension of such men. Had a thousand pounds sterling been offered each for the heads of the gallant Wolfred Nelson, and Jean O. Chenier, we might have said there was at least one spark of magnanimity left in the breast of a Gosford or a Colborne; but as it is, we can only follow the latter to the gory plains of St. Eustache, there to execrate him for the last time with a freeman's curse.

CHAPTER V.

St. Eustache.

The next place that was visited by the ravages of war, waged by a parental government, was the village of St. Eustache, one of the most picturesque of the lovely rural settlements with which the early French emigrant decorated the banks of the great rivers of the agricultural districts of the Canadas. It is situated on the banks of the romantic Ottowa, about twenty miles from Montreal, and in the centre of the county of the "Lake of the Two Mountains." A small rivulet runs through the village, which is built on a tongue of land formed by the river; a large square of handsome stone houses, many of them finished in most costly style, and in which resided the wealthy inhabitants of the county, with the manor-house, the presbytere, and a convent, composed the village. In the centre stood the parish church, whose two glittering spires, covered with tin, formed a conspicuous feature in the landscape; and which, in the solidity of its massive construction and the elegant decorations of its interior, sufficiently attested the wealth and the good catholicity of the *habitans*.

The population of the country were, for the most part, enthusiastically devoted to the cause of their country's independence; and the first idea of resistance to the government at this point, arose, as at St. Dennis, from the determination of the people not to permit the arrest of their proscribed leaders, Dr. Jean Oliver Chenier, and the county representatives, Messrs. Girouard and Scott, for each of whom a reward of 500*l.* had been offered by the government. The people were resolved, and resistance, once organized, formed a nucleus, round which was gather-

ed all the effective material of the neighbourhood, creating a temporary point where the hopes of many a refugee from the banks of the Richelieu were glad to take refuge. Offensive warfare, or systematized rebellion, as far as the people of St. Eustache were concerned, at that time seemed entirely out of the question, their numbers being never more than five or six hundred, and the great majority of whom were without arms.

On the morning of the fourteenth of December, news was brought to the commander by a *habitant* of L'isle Jesu, that an immense force was fast approaching to burn, ravage, and destroy the village; that they had left Montreal in the morning, under the commander-in-chief; their advance guard would have been at St. Eustache at that time, had they not feared the weakness of the ice; in consequence, the main body of the regular soldiers had made a detour to Ste. Rose, where they crossed to the main land with their artillery, congreve rockets, &c., thus lengthening their march more than six miles. About noon the British advanced, and as they neared the village and began taking up their position, their extent and character impressed upon the people the incredible inequality of the coming conflict. On the part of the patriots, by far the greater number belonging to the neighbouring village of St. Benôit, and St. Scholastique, apprehensive for the safety of their homes, or, more probably, fearful of the result, went off in a body, under the command of Girod and Chartier, by a road not yet occupied by the advancing British. About three hundred now remained under the daring Chenier, who, as his eye gazed upon the advance of his enemies, and the de-departure—the desertion—of his countrymen, looked upon the faithful few, the devoted band that still clung to him: "Mes freres," said he, "behold advancing upon you, to burn and destroy your beautiful homes, the servile mercenaries of the despotic go-

vernment that has enslaved your country; by the route which some of our friends have taken, you too may escape the death that awaits us; but never will I leave my home, nor suffer defenceless women and children to be violated and butchered, nor our property to be burned, without striking a blow for their protection and defence; those of you who wish may go, while the others who are prepared to sell their lives at the dearest possible rate, let them remain with me."

Unanimously, the whole people cried out, "LIBERTY OR DEATH—we will never desert our wives and little ones."

Chenier promptly arranged his plan of defence; under trusty officers, in divided squads, they took possession of the manor-house, the presbytere, the convent, and the house of Mr. Scott. Chenier, in person, taking command of from sixty to eighty, many of whom were without arms, and threw themselves into the church, where the women and children of the villagers had already fled for refuge: these, for safety, were placed in the vaults underneath. The large doors of the church were then barricadoed, and the windows removed to use the openings as port-holes. In this situation did this gallant corps of chivalrous Canadians await the conflict that would bring with it their annihilation.—"Nor," said a British officer, with whom I afterwards conversed, "did they quail, as our overwhelming force approached; they raised one loud, shrill, terrific cheer, and then all was still as death, until the cannonading and the musketry commenced."

The force, indeed, was so disproportionate that it seems almost incredible that so few would dare oppose them. We have given the force of Chenier, now for that of the royalists, taken from their own accounts. It seems that the departure of the troops from Montreal had been made the occasion of a dis-

play of the government strength in all the imposing forms of military parade. A Montreal paper of that day says, "that a long array of soldiers had defiled through their streets, with colours waving, and men marching to the inspiriting strains of martial music; that the expedition consisted of a detachment of the 1st Royals, under Lt. Col. Wetherall, the 32d and 83d regiments, under Lt. Cols. Maitland and Dundas. The volunteer Montreal rifle corps, under Capt. Leclerc, and a strong squadron of horse, with six pieces of artillery fully served, under the command of Major Jackson. The commander-in-chief, with his richly caparisoned staff, and escorted by two hundred dragoons, brought up the rear."

On their arrival at St. Eustache, two field-pieces were first directed to open the fire upon the church, and another was sent round in the rear of the village, and stationed where it commanded the street leading directly to the front door of the same edifice. The three regiments, and the cavalry, in the mean time, made a circuit round the village in rear; and took up positions to intercept the patriots when they should be compelled to abandon their position, whilst a corps of volunteers were spread out on the ice in front of the village where they had crossed, thus completely hemming in the patriots on every side.

There was no demand for surrender—no offer of mercy—no attempt at reconciliation, but a steady fire kept up upon the church, convent, presbytere, and particularly the house of Mr. Scott. Chenier, however, so directed his fire from the church as to compel that detachment of the assailants to retreat, when Colborne ordered another and a stronger detachment of artillery forward. They were now in full play, and kept up a simultaneous fire upon every building in the square. It was for a time responded to with vigour, so long as their ammuni-

tion lasted. Noticing their want of arms and ammunition, by their slackened fire, the troops advanced upon the convent, and set it on fire. The priest's house soon shared the same fate, and their miserable garrisons, retreating from the gathering flames into the cellars, were either stifled by the smoke, or rushed upon their remorseless foes, and found a more merciful, and as certain a death, from the bayonet or the ball. Some attempted to escape, but they no sooner made their appearance than they were shot down. But one individual, Felix Paquin, escaped this horrid massacre, and he, poor fellow, by creeping out half roasted, and having a number of bullets lodged in his body, before he was recognised by an acquaintance in the opposite ranks, who asked that his life might be spared. This gentleman was in the jail of Montreal, when we passed through, and had a night's lodging, but, of course, we could not see him. The manor house was next sacked, and then the whole body of troops surrounded the church in close order, to dislodge and murder the indomitable Chenier and his copatriots. For a time he could valiantly cope with his enemy to advantage, but too soon his ammunition failed him, and then his followers, having witnessed their homesteads in flames, and the death of all their friends without, the artillery effecting a breach and firing the building, which was now half filled with the wounded and the dying, maddened to desperation, with Chenier at their head, leaped from the windows into the graveyard, and in the midst of their foes, fighting like lions, died with arms in their hands, carving their own way to the last foothold of the brave—the GRAVE! One of the accounts, says, "Chenier, collecting the feeble remnant of his followers—'few and faint, yet fearless still'—jumped through the windows into the graveyard, where they fought with all the desperation of a forlorn hope. A ball soon brought the leader down. Fallen,

but not vanquished, he rallied his sinking strength, rose, and discharged his rifle at the enemy; twice again he was brought to the ground, and twice he rose to the attack. The fourth time *the hero fell to rise no more.*" "Wo to the hand who shed his precious blood!" Chenier's fall was the signal for an indiscriminate slaughter of the remainder of his brave band. "No QUARTER," was the cry, and with but few exceptions all were massacred on the spot. Some few, indeed, did manage to escape in the mêlée; but it was only for a moment. They made for the ice, in hope of gaining the woods on the opposite shore, but here also they were met and massacred. One by one they were picked off by the marksmen posted at certain distances, and fell and perished midst the bleak wintry snows of Canada.

At half-past four in the afternoon, the work of destruction was completed, and a more awful sight was never the result of the relentless code of war. The houses of that beautiful village were wrapt in flame. The thunders of the cannon and the roar of musketry had ceased. The churchyard and the convent were heaped with the dead, and the scene of horror produced by the burning alive of the wounded, only relieved by here and there a shot, successfully aimed at some solitary fugitive, who was endeavouring to escape, or the tumbling of buildings through which the flames were making terrible ravages. The numerous bodies consumed in the houses loaded the air with an insufferable stench, and during this sickening scene were the soldiery, according to the account of a clergyman, writing in one of the Montreal papers, busied in the work of pillage and insult in every direction. "Even," says he, "WOMEN, YOUNG AND OLD, WERE VIOLATED." In the clear night of the Canadian winter, the flames, distinctly seen at Montreal, telegraphed to the city the result of the expedition. The

correspondent of the Courier, says the Democratic Review, writing from the spot, confirmed the intelligence the next morning with expressive brevity. "Such a scene you never witnessed; it must prove an awful example. The artillery opened at half-past one. Every thing was over, except the shooting of a few fugitives, at half-past three." A despatch which tells something more than the *veni, vidi, vici*, of the Roman general. The destruction of life in this horrid affair can never be ascertained. Some were taken prisoners, and all the remainder must have perished in the flames.

The bodies which were not consumed by the flames were left exposed to be mangled for days by the starving swine of the sacked and burned village. It is said that when a young soldier, shocked at the scene, remarked that it was a shocking sight.—"What is?" asked a volunteer officer, a Scotchman. "That sight," said the soldier, as he pointed to where two or three hogs were tearing away the hands of a human being. "Pshaw!" said the brute: "that is nothing; it is nothing but French hogs eating French hogs."

Sir John Colborne now followed up his success by visiting the village of St. Benôit, or Grand Brulé, where the last remains of the patriot force were assembled: and here he had an easy task. Terror had taken possession of every heart; and the sacrifice of St. Eustache had deeply struck the memorable lesson of its example. The troops had scarcely proceeded on their way before Colborne was met by a deputation from St. Benôit, who came to offer unconditional submission for themselves and the surrounding country; and as he advanced, every house had a white flag displayed from the window, though no inhabitant waited to know his doom. All were assembled at the village; and, now reduced to three hundred, the shrinking multitude presented themselves to him, each with the same symbol of peace

and sorrow in his hand. Life was spared to the defenceless penitents in this instance, but Colborne's tactics could award no more; and their unconditional submission purchased for them only the bitterness of feeling that they had better have died with arms in their hands, like their exterminated compatriots of St. Eustache.

Every one whom it pleased the troops to consider a leader, was arrested; and such had the consolation to find that surrender had saved them from the chances of the bullet, only to substitute the chances of the gallows. Colborne had taken possession of Girouard's house, and his family had used every exertion to please him; but when ready to abdicate, he turned them into the street, and ordered the torch to be applied; at the same time he ordered the burning of all the buildings of the prominent citizens, and then added, by way of bonfire, the rest of the village, first permitting his men to plunder them of every thing available.

And now, notwithstanding all resistance had ceased, he sent detachments of troops to scour the rest of the district. At St. Scholastique, seven miles from Grand Brulé, the inhabitants met him with white flags in their hands, and threw down their arms; and at Carillon, six miles west of St. Eustache, a similar spectacle was exhibited; and at both places, and on the highway, houses were committed to the flames, and the women and children driven into the pitiless snow. Girod, who had left Chenier, deserted him in the hour of need, and finding himself on the point of being captured, blew out his brains with a pistol, and left his captors only the minor gratification of mutilating his lifeless trunk by cutting off his head, and driving a stake through his body, to mark the spot of the grave of a suicide.

Chenier, the hero of this bloody tragedy, was all that man, in the image of his Maker, can aspire to; —the generous friend, the humane physician, the

highly talented and chivalrous advocate of liberal principles. He was my early friend, my comrade, my fellow-student in my professional studies. We had always been as brothers; nor had we ever a single boyish quarrel. We loved one another as much as ever did Jonathan and David; and when students we were always together. He settled in a neighbourhood where he was known from childhood, and had married a wife every way worthy to share the honours of such a husband. It is said that immediately before the action, when directing her to a place of security, the young timid wife begged of him to be careful of his life, and that there was no disgrace to surrender to a force so much their superior in numbers. He fondly kissed her, bade her adieu, and answered, "La garde meurt mais ne se rend pas."

So beloved was he, that, with a price of $2,000 upon his person, he could lay his head upon his pillow, and sleep quietly amongst the patriots of the Two Mountains. There were none there to basely surrender him to his enemy; and, until Colborne came with his host, and the resolution to devastate, and overrun with fire and sword his beautiful village, with the solitary exception of the priest Paquin, he knew none who would hesitate to die with him: but that pensioner upon the earnings of an honest people had the impudence to predict his fate, when he demanded of him the keys of the presbytere and the convent; to which Chenier responded—"I am not to be deterred from my object by threats of death. I cannot live under a despotic and tyrannical government. I prefer death to slavery or dishonour." Death came, and he met it like a man, whilst his cowardly butchers were destroying every vestige of his property, and insulting his wife. And here, one would naturally suppose the curtain might drop; but British vengeance was not yet glutted. Dr. Arnoldi, Jr., with associate demons, quartered

the body, tore out his entrails, and, disembowelling his heart, carried it to Montreal, as one of their trophies of victory; and there it was tossed to and fro like a ball in a game of wicket, whilst his four quarters were exhibited on the counter of a grog-shop, his affectionate wife imploring them to give her the remains for burial. A gentleman visiting the battle-scene a few days after the fight, discourseth as follows:—"We afterwards went to the house of Mr. Anderson, where we saw in the passage to the yard four dead bodies, and in the house, the body of Chenier, exposed on a counter, in view of the crowds who visited the place. *The clothes had been stripped from his yet warm limbs. He was terribly mutilated—cut in four quarters, and his heart torn from his breast!!!* The spectacle was most horrible, and repugnant to humanity." The young wife could not obtain the remains of her hero; nor, until the stench became intolerable, was any disposition made of it. It was then refused that they should be deposited in the cemetery; and, after making the best possible disposition of them for the present, the friends were compelled to witness the robbery of Mrs. Chenier of the few articles she had saved from the wreck and removed to a farm-house: and yet this amiable woman had sufficient strength to have taken up the mangled corpse, and for fear of further violence, secreted it in a garret, till she with her own hands could cleanse it, sew it together, and bury it in a secret place, where, when Canada shall be free, a monument will be erected to his memory. Memory, do we say? No storied urn or triumphal monument can so well tell his worth, as that now indelibly stamped upon the tablet of a nation's mind, and the proud heart of the patriot. "Friend of my youthful days, peace to thy ashes!"

On the sixteenth of December, Sir John Colborne returned to Montreal; and, escorted by the Montreal Cavalry, and Queen's Light Dragoons, rode through

the city to receive the applauses that greeted the return of such a conqueror. The following day, being Sunday, the greater part of his force also reached the city, at different intervals. When Colonel Wetherall and his Royals returned, with the additional laurels of another campaign upon their brows, escorting one hundred and five prisoners, the fruits of this second victory, crowds of citizens hallowed the day of rest by going out to meet them, and cheered the conquerors the whole way to their barracks.

Here, then, terminated this savage and exterminating expedition. A whole county was laid waste, and made a desert wild, to suppress an insurrection; and the smouldering ruins, and the yet hot blood of patriotism, daringly offered up to heaven as a peace-offering, with none left alive to enjoy peace. And this for the honour and glory of the British government! Will they—have they the courage to place it upon record? Will the woes and wrongs, the blood of these patriot martyrs, cease burning in the heart of man, until every remnant of monarchy is blotted from the American continent? Will the gory prints these tyrants have left upon our soil, form a seal to a covenant that shall unite millions of freemen in arms, sworn to erect the standard of liberty throughout the earth, or will the sons of the fathers of the American Revolution, with whom, arm in arm, did contend the countrymen of this murdered community, shrink from the offices of vengeance? Sooner, we predict, will the stars and the stripes of the new world be buried in the earth of the old, and the seas be purpled with the richest blood of man. The day of retribution is at hand. There is a just God; and the fury of the oppressor will be hurled back with tenfold vengeance. The blade will be drawn—the scabbard will be thrown away, and crowned heads consigned to the grave.

There will be no Cæsar triumphing over a Pompey or a Cato—no Octavius out-generalling a Brutus.

In the language of another, "the struggles of a people on our own borders for freedom from the same arbitrary power that employed the torch, the sword, and the savage, in the attempted destruction of our fathers and our homesteads, is of itself a resistless appeal to the patriotism and generosity of those now reaping the rewards of their ancestors' sacrifices. The heart that does not freeze with horror at the atrocities we have enumerated in this chapter—the man who sees no danger to American rights or American freedom from the fearful proximity of British tyranny—one who has seen the attempts of that power to sunder this happy union, and wishes not its removal—though he may have been born under the star-spangled banner of this country, though he may dress, act, and speak like an American, is, nevertheless, a stranger to the ennobling principles, and a libel on the human race."

The American people will not long see their neighbours in a disgraced condition, and imploring assistance. This is not a stone-hearted generation. Let another such a parricidal contest come, and, mark our words, the people of this country will be restrained by no national considerations, from rushing in thousands upon the oppressor, and at a moment's warning. Would they not, they would be unworthy to enjoy the blessings gained by those whose whitened bones lie in heaps upon the plains of Lexington, upon Bunker Hill, the heights of Saratoga, Monmouth, Brandywine, and every other battle field from Georgia to Maine, and whose spirits are in every passing breeze. They would call up to memory the gory times of liberty's struggle, when our fathers' blood flowed like water, and when the flame of patriotism burned in every heart.

CHAPTER VI.

Political state of the province of Upper Canada—Declaration of Rights of the Reformers.

The province of Upper Canada, in common with the lower province, had its causes of dissatisfaction. The condition of the people, however, was widely different. However divided in opinion, they spoke the same language, and were all of the Anglo-Saxon race. Here was no contest between distinct races—no French to trample upon, no conquered people to suffer the taunt of inferiority. All were British, with the exception of the few emigrants of American birth, whom a fertile soil and the easy acquisition of land had induced to settle among them.

For a long period previous to the insurrection, the upper province had been divided into three parties.

The first and most influential was composed of those holding office, the tenure of which they considered as sacredly theirs, as did their sovereign the divine right to the crown.

This was styled "The Family Compact Party," composed of the tories whose adherence and devotion to royalty had been displayed during the American revolution of '76; they and their descendants claimed from the crown peculiar consideration. As a remuneration for the losses sustained, and their loyalty in that eventful struggle, liberal grants of the crown lands were bestowed upon them in this, as well as the province of Nova Scotia.

Vast numbers had first settled on their grants in Nova Scotia. But when the exploration of the upper province had made known the character of its climate, and developed its fertility and resources, they changed their residences and migrated thither.

Common sympathies and common interests united them in an exclusive clique. When emigration set in from the mother country, it was chiefly composed of disbanded soldiers, who thought more of the cultivation of their bounty lands than the ambition for office. The lucrative employments in the gift of the government were, therefore, confided to this party, who used every art to maintain them exclusively under their own control, or dispose of them among such as became by marriage identified with their interests. The second party which arose was called *par excellence* the *British party*. This was composed of the loyal emigrants from the United Kingdom, greater proportion of whom were the Orangemen of Ireland. They, in their turn, were continually striving for a share of the loaves and fishes. And although numerically, and by the organization of their secret societies the stronger, they were no match in cunning for the Family Compact. Having at all times the ear of the executive, the latter managed the British party as tools to effect their own objects. Whenever an aspirant arose, whom they were unable to shake off, they bought him up by securing to him the place he sought, or yielding a minor one.

The progress of time and the increase of population gave birth to a third party, more numerous than both the others. These were denominated Reformers, but more familiarly known under the name of the Radicals. This party was formed by the union of the more liberal class of emigrants from England, Ireland, and Scotland, who kept in mind the motives for which they had abandoned their native land, and sought a home in the wilderness; together with some of the more liberal minded sons of the Nova Scotians and the American portion of the population.

In addition to the general causes which produced the results in the lower province, as mentioned in the previous chapters, there were here others still

more abhorrent, which tended to create wide and universal dissatisfaction.

A people intelligent, shrewd, and for the most part educated, accustomed to form opinions for themselves, and whose daily intercourse with the United States kept constantly before their eyes the advantages of self-government, could not tamely see their inalienable rights wrested from them by a small minority. By the advice of the Lieutenant Governor, Sir Francis Bond Head, the other two parties had coalesced, and he himself became the head of the party he had created from such discordant materials.

To secure the election of his own partisans to seats among the representatives of the people, he exerted a power intrusted to him for a different purpose. To secure the elective franchise to those whom he knew would vote for his favourites, he distributed deeds of the crown lands, and thus obtained a majority of his partisans in the popular branch of the legislature.

This last stroke of policy exasperated the people, and they openly and boldly expressed their discontent. Nor were leaders wanting among themselves, every way qualified by character and talents to direct their opinions. Meetings were called, measures discussed, and societies formed. Committees were appointed by these Reformers to organize Union Clubs, similar in their plan to that of the United Irishmen Societies in 1797–8. So universal was the excitement, that in a short time two thousand of these clubs were formed. They had frequent meetings, and perfected themselves in the use of arms.

Among their leaders none was more popular than William Lyon Mackenzie. Both in the parliament, where for many years he held a seat, and out of it, he had been the untiring zealous friend of the people. At the head of the most influential press in either province, with a daring character and unflagging purpose, he at all times maintained the entire confidence of the whole body of the Reformers.

Marshall S. Bidwell, the speaker of the House, Dr. Rolph, and Dr. Morrison, with a number of others, were also, with Mackenzie, in the confidence of the people, and their acknowledged leaders.

From them emanated the following paper;—a Declaration of Rights, in tone, character, and force of sentiment, strongly resembling the Declaration of Independence, from the pen of Thomas Jefferson, which was so unanimously adopted on a similar occasion by the American Congress.

THE DECLARATION OF THE REFORMERS, OF THE CITY OF TORONTO, TO THEIR FELLOW-REFORMERS IN UPPER CANADA.

The time has arrived, after nearly half a century's forbearance, under increasing and aggravated misrule, when the duty we owe our country and posterity requires from us the assertion of our rights, and the redress of our wrongs.

Government is founded on the authority, and is instituted for the good of the people: when, therefore, any government long and systematically ceases to answer the great ends of its foundation, the people have a natural right, given them by their Creator, to seek after and establish such institutions as will yield the greatest quantity of happiness to the greatest number.

Our forbearance heretofore has only been rewarded with an aggravation of our grievances; and our past inattention to our rights has been ungenerously and unjustly urged as evidence of the surrender of them. We have now to choose, on the one hand, between submission to the same blighting policy as hath desolated Ireland; and, on the other hand, the patriotic achievement of cheap, honest, and responsible government.

The right was conceded to the present United States at the close of a successful revolution, to form

a constitution for themselves; and the loyalists, with their descendants and others now peopling this portion of America, are entitled to the same liberty without the shedding of blood: more they do not ask; less they ought not to have. But, while the revolution of the former has been rewarded with a consecutive prosperity unexampled in the history of the world, the loyal valour of the latter alone remains amid the blight of misgovernment, to tell them what they might have been, as the not less valiant sons of American independence.

Sir Francis Bond Head has too truly portrayed our country "as standing in the flourishing continent of North America like a girdled tree with its drooping branches;" but the laws of nature do not, and those of man ought no longer to exhibit this invidious and humiliating comparison.

The affairs of this country have been, even against the spirit of the Constitutional Act, subjected in the most injurious manner to the interferences and interdictions of a succession of colonial ministers in England, who have never visited the country, and can never possibly become acquainted with the state of parties, or the conduct of public functionaries, except through official channels in the province, which are ill calculated to convey information necessary to disclose official delinquencies, and correct public abuses. A painful experience has proved how impracticable it is for such a succession of strangers beneficially to direct and control the affairs of a people four thousand miles off: and being an impracticable system, felt to be intolerable by those for whose good it was professedly intended, it ought to be abolished, and the domestic institutions of the province so improved and administered by the local authorities as to render the people happy and contented. The system of painful domination has been banefully furthered by a Lieutenant Governor sent among us as an uninformed, unsophisticated stranger, who, like Sir

Francis, has not a single feeling in common with the people, and whose hopes and responsibilities began and ended in Downing Street. And this painful domination is further cherished by a legislative council, not elected, and therefore irresponsible to the people for whom they legislate, but appointed by the ever-changing colonial minister, for life, from pensioners on the bounty of the crown; officially, dependants, and needy expectants.

Under this mockery of law and government we have been insulted, injured, and reduced to the brink of ruin. The due influence and purity of our institutions have been utterly destroyed. Our governors are the mere instruments for effecting domination from Downing Street; legislative councillors have been initiated into executive compliance, as in the case of the late Chief Justice Powell, Mr. Baby, and others; the executive council has been stript of every shadow of responsibility and of every shade of duty; the freedom and purity of elections have lately received under Sir Francis B. Head, a final and irretrievable blow; our revenue has been and still is decreasing to such an extent as to render heavy additional taxation indispensable for the payment of the interest of our public debt, incurred by a system of improvement and profligate expenditure; our public lands, although a chief source of wealth to a new country, have been sold at a low valuation to speculating companies in London, and resold to settlers at very advanced prices, the excess being remitted to England to the serious impoverishment of the country; the ministers of religion have been corrupted by a prostitution of the casual and territorial revenue to salary and influence them; our clergy reserves, instead of being devoted to the purposes of general education, though so much needed and loudly demanded, have been in part sold, to the amount of upwards of $300,000, paid into the military chest, and sent to England; numerous rectories

have been established, against the almost unanimous wishes of the people, with certain exclusive ecclesiastical spiritual rights and privileges, according to the established Church of England, to the destruction of equal religious rights; public salaries, pensions, and sinecures have been augmented in number and amount, notwithstanding the impoverishment of our revenue and country, and the parliament has, under the name of arrearages, paid the retrenchments made in past years by reform parliaments; our judges have, in spite of our condition, been doubled, and wholly selected from the most violent political partisans, against our equal civil and religious liberties; and a Court of Chancery, suddenly adopted by a subservient parliament, against the long cherished expectation of the people against it, and its operations fearfully extended into the past, so as to jeopardise every title and transaction from the beginning of the province to the present time. A law has been passed enabling magistrates, appointed during pleasure, at the representation of a grand jury selected by the sheriff holding office during pleasure, to tax the people at pleasure, without their previous knowledge or consent, upon all their rateable property, to build and support workhouses for the refuge of the paupers invited by Sir Francis from the parishes of Great Britain; thus unjustly and wickedly laying the foundation of a system which must result in taxation, pestilence, and famine. Public loans have been authorized by improvident legislation to nearly eight millions of dollars, the surest way to make the people both poor and dependent; the parliament, subservient to Sir Francis B. Head's blighting administration, has, by an unconstitutional act, sanctioned by him, prolonged their duration after the demise of the crown, thereby evading their present responsibility to the people, depriving them of the exercise of their elective franchise on the present occasion, and extending the

time to their unjust, unconstitutional, and ruinous legislation with Sir Francis B. Head; our best and most worthy citizens have been dismissed from the bench of justice, from the militia, and other stations of honour and usefulness, for exercising their rights as freemen in attending public meetings for the regeneration of our condition, as instanced in the cases of Dr. Baldwin, Messrs. Sheppard, Johnson, Small, Ridout, and others; those of our fellow-subjects who go to England to report our deplorable condition are denied a hearing, by a partial, unjust, and oppressive government, while the authors and promoters of our wrongs are cordially and graciously received, and enlisted in the cause of our further wrongs and misgovernment. Our public revenues are plundered and misapplied without redress, and unavailable securities make up the late defalcation of Mr. P. Robinson, the commissioner of public lands, to the amount of $80,000. Interdicts are continually sent by the colonial minister to the governor, and by the governor to the provincial parliament, to restrain and render futile their legislation, which ought to be free and unshackled, these instructions if favourable to the views and policy of the enemies of our country, are rigidly observed; if favourable to public liberty, they are, as in the case of Earl Ripon's despatch, utterly contemned, even to the passage of the ever-to-be-remembered and detestable, everlasting, salary bill. Lord Glenelg has sanctioned, in the king's name, all the violations of truth and of the constitution by Sir Francis B. Head, and both thanked and titled him for conduct which, under any civilised government, would be the ground of impeachment.

The British government, by themselves, and through the legislative council of their appointment, have refused their assent to laws the most wholesome and necessary for the public good, among which we may enumerate the intestate estate equal

distribution bill; the bill to sell the clergy reserves for educational purposes; the bill to remove the corrupt influence of the executive in the choosing of juries, and to secure a fair, free trial by jury; the several bills to encourage emigration from foreign parts; the bill to secure the independency of the Assembly; the bill to amend the law of libel; the bill to appoint commissioners to meet others, appointed by Lower Canada, to treat on matters of trade, and other matters of deep interest; the bills to extend the blessings of education to the humbler classes in every township, and to appropriate, annually, a sum of money for the purpose; the bill to dispose of the school lands in aid of education; several bills for the improvement of the highways; the bill to secure the independence of voters, by establishing the vote by ballot; the bill for the better regulation of elections of members of the Assembly, and to provide that they be held at places convenient for the people; the bill for the relief of Quakers, Menonists, and Tunkers; the bill to amend the present obnoxious courts of request laws, by allowing the people to choose the commissioners, and to have a trial by jury, if required; and other bills to improve the administration of justice, and diminish unnecessary costs; the bills to amend the charter of King's College University, so as to remove its partial and arbitrary system of government and education; and the bill to allow free competition in banking.

The King of England has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has interfered with the freedom of elections, and appointed elections to be held at places, dangerous, inconvenient, and unsafe for the people to assemble at, for the purpose of fatiguing them into his measures, through the agency of pretended representatives;

and has, through his legislative council, prevented provision being made for quiet and peaceable elections, as in the case of the late returns at Beverley.

He has dissolved the late House of Assembly, for opposing, with manly firmness, Sir Francis B. Head's invasion of the right of the people to a wholesome control over the revenue, and for insisting that the persons conducting the government should be responsible for their official conduct to the country, through its representatives.

He has endeavoured to prevent the peopling of this province, and its advancement in wealth; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the condition of new appropriations of the public lands, large tracts of which he has bestowed upon unworthy persons, his favourites, while deserving settlers from Germany, and other countries, have been used cruelly.

He has rendered the administration of justice liable to suspicion and distrust, by obstructing laws for establishing a fair trial by jury; by refusing to exclude the chief criminal judge from political business; and by electing, as a judiciary, violent and notorious partisans of his arbitrary power.

He has sent a standing army into a sister province to coerce them to his unlawful and unconstitutional measures, in open violation of their rights and liberties; and has received, with marks of approbation, military officers who interfered with citizens of Montreal, in the midst of an election of their representatives, and brought the troops to coerce them, who shot several persons dead, wantonly, in the public streets.

Considering the great number of lucrative appointments held by strangers in the country, whose chief merit appears to be their subserviency to any and every administration, we may say with our brother colonists of old, "he has sent hither swarms of new

officers to harass the people and eat out their substance."

The English parliament has interfered with our internal affairs and regulations, by the passing of grievous and tyrannical enactments, for taxing us heavily, without our consent; for prohibiting us to purchase many articles of the first importance at the cheapest European and American markets, and compelling us to buy such goods and merchandise, at an exorbitant price, in markets of which England has a monopoly.

They have passed resolutions for our coercion, of a character so cruel and arbitrary, that Lord Chancellor Brougham has recorded on the journals of the house of Peers, that "they set all considerations of a sound policy, of generosity, and of justice at defiance," are wholly subversive of "the fundamental principles of the British constitution, that no part of the taxes levied on the people, shall be applied to any purpose whatever, without the consent of the representatives in Parliament;" and that the Canadian "precedent of 1837, will ever after be cited in the support of such oppressive proceedings so often as the commons of any colony may withhold supplies, how justifiable soever their refusal may be;" "and," (adds his lordship,) "those proceedings, so closely resembling the fatal measures that severed the United States from Great Britain, have their origin in principles, and derive their support from reasonings which form a prodigious contrast to the whole grounds; and the only defence of the policy during latter years, and so justly and so wisely sanctioned by the Imperial Parliament in advocating the affairs of the mother country. Nor is it easy to imagine that the inhabitants of either the American or the European branches of the empire should contemplate so strange a contrast, without drawing inferences therefrom discreditable to the character of the legislature, and injurious to the future safety of

the state, when they mark with what different measures we mete to six hundred thousand inhabitants of a remote province, unrepresented in parliament, and to six millions of our fellow-citizens nearer home, and making themselves heard by their representatives. The reflection will assuredly rise in Canada, and may possibly find its way into Ireland, that the sacred rules of justice, the most worthy feelings of national generosity, and the soundest principles of enlightened policy may be appealed to in vain, if the demands of the suitor be not also supported by personal interests, and party views, and political fears among those whose end he seeks; while all men perceiving that many persons have found themselves at liberty to hold a course towards an important, but remote province, which their constituents never would suffer to be pursued towards the most inconsiderable borough of the United Kingdom, an impression will inevitably be propagated, most dangerous to the maintenance of colonial dominion, that the people can never safely intrust the powers of government to any supreme authority not residing among themselves.

In every stage of these proceedings, we have petitioned for redress in most humble terms; our repeated petitions have been answered only by repeated injuries. Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature, to extend unwarrantable jurisdiction over us; we have reminded them of the circumstances of our emigration and settlement here; we have appealed to their native justice and magnanimity; and we have conjured them by the ties of common kindred to disavow these usurpations, which would inevitably interrupt our connexion and correspondence. They, too, have been deaf to the voice of justice and consanguinity.

We, therefore, the reformers of the city of To-

ronto, sympathizing with our fellow-citizens here, and throughout the North American colonies, who desire to obtain cheap, honest, and responsible government, the want of which has been the source of all their present grievances, as its continuance would lead to their utter ruin and desolation, are of the opinion,

First, That the warmest thanks and admiration are due from the reformers of Upper Canada, to the honourable Louis Joseph Papineau, Esq., Speaker of the House of Assembly of Lower Canada, and his compatriots in and out of the legislature, for their past uniform, manly, and noble independence in favour of civil and religious liberty; and for their present devoted, honourable, and patriotic opposition to the attempt of the British government to violate their constitution, without their consent, subvert the powers and privileges of their local parliament, and overawe them, by coercive measures, into a disgraceful abandonment of their just and reasonable wishes.

Second, That the reformers of Upper Canada are called upon by every tie of feeling, interest, and duty, to make common cause with their fellow-citizens of Lower Canada, whose successful coercion would doubtless, in time, be visited upon us, and the redress of whose grievances would be the best guarantee for the redress of our own.

To render this co-operation the more effectual, we earnestly recommend to our fellow-citizens, that they exert themselves to organize political associations; that public meetings be held throughout the province; and that a convention of delegates be elected and assembled at Toronto, to take into consideration the political condition of Upper Canada, with authority to its members to appoint commissioners to meet others, to be named on behalf of Lower Canada, and other colonies, armed with suitable powers

as a congress, to seek an effectual remedy for the grievances of the colonies.

1. T. D. Morrison,
Chairman of the Committee.
2. John Elliot, Secretary.

3. David Gibson,
4. John Mackintosh,
5. W. J. O'Grady,
6. Edward Wright,
7. Robert M'Koy,
8. Thomas Elliott,
9. E. B. Gilbert,
10. John Montgomery,
11. John Edward Tims,
12. J. H. Price,
13. John Doel,
14. M. Reynolds,
15. James Armstrong,
16. James Hunter,
17. John Armstrong,
18. William Kitchen,
19. Wm. L. Mackenzie.

CHAPTER VII.

Insurrection in the Upper Province—Defeat at Montgomery's.

Upon the publication of this bold exposition of their intentions, it might be imagined that the colonial government ought to have been well apprised of the designs of the reformers, who, before the outbreak in the lower province, had sent down a deputation to M. Papineau, and other leaders, to ascertain their intentions, and when they were to strike the blow. From those who were in the secret, I subsequently learned that the answer was, that the time would soon come, and for the upper province to be ready. That in the course of the ensuing winter, if their grievances were not redressed, they would strike for separation—for freedom.

Meanwhile, the insurrection broke out in the district of Montreal; and it always seemed strange to us, that knowing all these facts, as Sir Francis Bond

Head since pretended—and I speak from the printed despatches which have since appeared in English papers—he did not attempt to arrest Mr. Mackenzie, or at least suppress his paper, as he says he was strongly urged to do by the peaceable portion of the community. Had he, too, his orders to encourage the rebellion in its unprepared state, that it might be the more easily crushed?

Be that as it may, Sir Francis and his council agreed to have Mr. Mackenzie arrested, and passed resolutions to that effect, which have been recorded and published in England. He was absent from the city, making preparations for the revolt, which was to have taken place, as had been agreed upon by the committee, on Thursday, the 7th of December, 1837. But, whether it was from a knowledge of the designs of the government, or from some other reason which has never yet been divulged, Dr. Rolph, who had been chosen as their executive, sent a verbal order to Colonel Lount, on the Saturday or Sunday morning previous, to assemble his men, and to meet the other part of their forces at Montgomery's, on Tuesday evening.

This changed the whole plan, unknown to Mr. Mackenzie, who had, through the secretaries of the different reform, or union clubs, advertised them, that on Thursday, the seventh of December, they were all to meet at Montgomery's tavern, three miles from Toronto, on one of the most public roads of the province, march upon the city, and, in conjunction with the reformers who resided there, seize the governor, take the City Hall, in which were four thousand stand of arms, distribute them among the people, take possession of the garrison, organize a provisional government, assemble the representatives of the people, and declare the province an independent republic.

Had this scheme been followed, without the slightest doubt, the province would have fallen

without a blow into the hands of the reformers. But the change of the day, without the knowledge of the other chiefs, and the bringing into open day such a body of men from such a distance, in a thickly settled country, of course betrayed to the government the true state of affairs, and enabled them to prevent a surprise. Mr. Mackenzie knew not of their coming until it was too late to prevent it, and too late to remedy the evil; but, seeing what the result would be, if they then attempted to stop this fatal movement by dispersing, went to the spot, and tried to turn it to advantage. But the men who had arrived with Colonel Lount, not meeting the thousands that they reasonably expected, and tired with their long and fatiguing march over wretched roads, became dispirited. Ill-humoured and hungry, they sought more eagerly after refreshment and rest, than to continue their march, fatigued as they were, half-armed, and unsupported by those whom they were told would be there, to enter a city which they imagined prepared to dispute their entrance.

Colonel Van Egmond, a wealthy landed proprietor, who, in his younger days, had served as aid-de-camp to Napoleon, a man of acknowledged military experience, had been chosen their commander. He had not arrived; and Mr. Mackenzie, although never seeking any command, and refusing it when offered to him, took upon him then, in that emergency, to direct what should be done, and with another gentleman, Captain Anthony Anderson, who, with some military knowledge, united a daring disposition and reckless bravery, adopted every means that the occasion demanded and required. They placed guards upon every avenue, to prevent any ingress or communication with the city, from the numerous loyalists of the neighbourhood, and, in the absence of all intelligence from the city, either from the executive, at whose orders these men had been summoned, or from any friend: he rode forward, ac-

companied by Messrs. Anderson and Sheppard, to ascertain from the preparation inside, whether he would be warranted, with this small force of fatigued men, to attempt its capture by a *coup de main.*

Vague and uncertain rumours had, however, reached the city of these extraordinary movements, and many of the loyalists had taken horse, and rode out into the surrounding country, to ascertain the truth of the astounding stories that had been whispered from one to the other. When Mackenzie and his companions were about returning, they met with two of those gentlemen—one, a Mr. Powell, who was afterwards mayor of Toronto, and who, I believe, still holds the same office, and a merchant by the name of M'Donnell. They were arrested by Mr. Mackenzie, and ordered to return with him. They did so. On demanding their arms, Mr. Powell *pledged his word of honour* that he was unarmed. Mackenzie believed him, sent them forward with his companions, saying, that as they were his townsmen, and men of honour, he would believe them, and not have them searched. After they had ridden some time, M'Donnell along with Sheppard, and Powell behind, riding abreast with Mr. Anderson, who was armed with a rifle, Powell slackened his horse's pace, and got a little behind the others, seized a pistol from his holsters, and shot Mr. Anderson in the back of the head, who fell from his horse dead. He then turned round, and rode back at his horse's utmost speed, although attempted to be stopped by Mr. Mackenzie, who was some distance behind when the deed was done. Mackenzie pursued him—fired at him, but missed, their horses being neck and neck for some time, even to the very entrance of the city. He attempted to drag Powell, who was a strong, heavy man, off his horse; and Powell, with his remaining pistol, endeavoured to shoot him; which was only pre-

vented by his hurry in cocking the pistol, that the priming was thrown out, and it missed fire.

Powell arrived in the city, and rode immediately to the Government House, where it is said he found the governor in bed, and asleep, unconscious of the alarm of danger without. The alarm was given—bells were rung—the loyalists were hurriedly got together, and repaired to the City Hall, the place of the greatest security—obtained their arms—where Sir Francis joined them, after having placed his family on board a steamboat in the river. So great had been the consternation, that during that night and the next morning, scarce were there more, I have heard from eye witnesses, than one hundred and fifty, or two hundred persons, answered the governor's call to arms. The great mass of the population being favourable to the attempt, did not stir; and many more, being lukewarmly loyal, thought it best, in their ignorance of the numbers of the patriots, to abide in their houses and await the issue of the struggle.

On the return of Mackenzie with the corpse of the murdered Anderson, it aroused the indignation of the insurgents; and at that moment, had there been any one in whom they had confidence as a military leader, his death would have been most amply avenged; but at that moment they had none in whom all confided. Delay at such a moment is always dangerous, if not certain defeat. They let the decisive hour pass, and from that moment the future movements of the revolution showed the truth of the trite saying of Shakspeare, "that there is a tide in the affairs of men, which, taken at the flood, leads on to fortune, but, neglected," &c.

Another event took place that night, which, although it was much regretted then, still it was one that could not be avoided under the circumstances. The chain of sentinels that had been placed to prevent any attempt to enter the city, challenged two

gentlemen on horseback, who strove to pass them. They pushed past the first, and when they came near to the second, they were commanded, in a loud voice, peremptorily to halt. The sentinel was an old soldier, and brought his rifle to bear upon the foremost, whose companion seemed to urge a compliance with the sentinel's command.

"I never will be stopped on the queen's highway by any number of rebels."

The voice seemed familiar to the sentinel, who stood his ground, and called out,

"Col. Moodie, I know you well—I respect you, and would not harm you—but I am a soldier, and placed here to prevent any one passing; you know what my duty is, and you can never pass me alive."

The colonel drew a pistol, fired at the man, spurred on his horse, and fell—for a bullet from the rifle of the faithful sentinel had pierced his body.

He was carried into Montgomery's, and every attention paid him; but in a very short time he breathed his last. Before his death, however, he admitted that he merited his fate, from his folly in attempting to pass an armed post so well guarded, forgave with his dying breath the person who had shot him, and requested that his remains should be sent to his family, which request was complied with.

The following morning, numbers of persons from the surrounding country, and the city, increased the strength of the patriots, and diminished the strength of the beleagured governor, who, dreading the attack, sent out to the patriot camp a flag of truce, requesting to know what were the grievances they complained of, and what they demanded? It has happened, sometimes, that the wisest of men have done the most foolish actions, and vice versa. Such appeared to be the case with Sir Francis in this instance. Whether designedly, or by accident, no person that he could have chosen would have better answered the purpose to advance the cause of the

loyalists than the individual he stumbled upon. That flag of truce, borne between a trembling governor and hundreds of men desiring freedom for themselves and posterity, was borne by Dr. Rolph, the very man who was known to be, by every one of the persons there, chosen as their executive; he was accompanied by Dr. Baldwin and Hugh Carmichael.

News of the disasters and defeat attending the patriots in the lower province had reached above, and were widely circulated; and when the people saw those gentlemen, in such an unexpected capacity, come out to them with the governor's message, they very naturally concluded, that, like many others, they too had deserted the cause of the people. There is, with persons brought up and educated under a monarchical government, a feeling that cannot be described, on the subject of rebellion. They are too apt to associate the name with the after punishment attending it, if unsuccessful; and there was nothing in the conduct of these men to do away with the impression that the great mass entertained. They desired to see the leaders apart from the men. Mackenzie wisely deemed that the employment of such men only showed a weakness on the part of Sir Francis, which was the fact; and that his object was to obtain time until a force could be got together from the more loyal districts, by means of the steamboats at the command of the government. After events showed the truth of his conjectures. In answer to their demand, what do the patriots want? he sent verbally to the governor, "That they wanted independence, and a national convention to arrange details." After their departure, Mackenzie, knowing the little faith to be placed in Sir Francis, strove to have them march upon the city. The greater part of the day was spent in council, when it should have been used in action. Mackenzie's plan of marching immediately upon the town was countermanded, by an order from Dr. Rolph to await until six o'clock

in the evening, that the reinforcements coming hourly to them, would add to their strength, and would probably bring also Col. Van Egmond, on whose military judgment they all could rely.

Desertions, however, began plainly to diminish their numbers; and to avoid this, and keep them together until the evening, they were marched nearer to the town, and kept in some kind of discipline. A house belonging to Dr. Horne, a loyalist, which was unquestionably used to harbour the scouts from the city, or, as the patriots termed them, spies, fell under the indignation of the men, and was destroyed. A similar fate was intended for that of Mr. Sheriff Jarvis, in the neighbourhood, but was prevented by Col. Lount, who was opposed to the wanton destruction of property. Knowing that the family of Mr. Jarvis inhabited the house, and that Mrs. Jarvis was indisposed, at the risk of his own life, he opposed its being committed to the flames.

The burning of Dr. Horne's house, as well as the report brought into the city of the paucity of the numbers, gave additional encouragement to those within the city. From the fear of falling into the hands of such men, before the expected succour came by the boats, and the information that there were so few at Montgomery's, impelled those who were backward before, to turn out and join the others in defence of the city. This encouraged Sir Francis, and he sent another flag out, refusing the demand of Mackenzie. As soon as the hour arrived ordered by Dr. Rolph, the whole party advanced upon the city. The advance party, which had been sent forward to clear any ambush that might easily be placed along the fences, encountered a small party under the command of the sheriff, and exchanged shots. Never had a fire so harmless such fatal results. The loyalists took to their heels, and ran for the city, while the advance riflemen of the patriots, and the pikemen and others who followed, were thrown into

confusion. This was occasioned by a new manœuvre in tactics, that the worthy man who led the advance had introduced, and is one that is not generally known among tacticians. He commanded his men, that when they fell in with the enemy's skirmishers—that they should reserve their fire—and as soon as they perceived the flash of the tories' muskets, they should fall down flat on their faces—rise and return their fire. They did so—the whistling of the balls, and seeing so many of the advance party falling, whom they thought killed—they became confused, frightened, and at last—why should it be denied—the greater part—ignobly ran away.

To encourage those that remained, Mackenzie offered to go with them into the city, or with even only fifty who would volunteer; but they answered, "We will go in by daylight, when we can see our enemy, but not in darkness like this." They returned to their old quarters, and although that night they were joined by nearly two hundred persons more, yet the next morning at daylight they were much less numerous than they had been the previous day. In the course of the forenoon, Mackenzie, with a small party, on Dundas Street, intercepted the Great Western mail stage, and took the passengers and driver prisoners, opened the mail, and found letters from Mr. O'Sullivan, the president of the executive council, and others, to the different officers of the militia, and half-pay officers, calling on them to turn out in support of the crown. They also learned, that as soon as the expected succour arrived, that the governor would march out and attack the patriots at their encampment.

Notwithstanding all this, no measure was taken to strengthen the place at Montgomery's, nor the several points on the road, between that and the city, where a few men could have disputed the passage with an army, but they waited in the hope of not being attacked until after the next day, (Thursday,) which had been the day intended and known

to all the reformers in the province. In the morning, reinforcements began to come in from the distant townships, and with them came Col. Van Egmond. Matters now began to assume more order; a party of men, sixty in number, among whom were forty riflemen, good marksmen, together with a *corps de reserve*, to be ready if required, under the command of Captain Peter Matthews, were ordered off to the Don Bridge, the eastern approach to the city, to make a diversion there, and to occupy the attention of the force within, burn the bridge and the house near it, or to draw out the forces in that direction if they could, and also to assume what position or do whatever the prudence of Captain Matthews should dictate.

The party under Capt. Matthews, after a slight skirmish, and with the loss of but a few men, drove in the picket guard stationed at the bridge, and followed them into the city, and for a while held possession, but hearing a cannonading at some distance, they conjectured that the main party at Montgomery's had been attacked, and fearful of the bridge being burned before they got there, they retreated and took a route through the woods to join their friends.

After the party for the Don Bridge had left Montgomery's, instead of the main body moving immediately upon the town, the time was spent in a council of war, discussing a measure that had already been settled. Their council was interrupted by the entrance of one of the men with the news of the enemy coming upon them, and within half a mile of them, with a park of artillery. Hastily the men were got together, and formed along the side of the wood which skirted their encampment. The battle then commenced with a heavy fire of grape and cannister from the artillery, and repeated volleys of musketry from the loyalists, which was returned with more deadly effect from the rifles of the patriots. After the first discharge, those of the pa-

triots who were timid, perceiving that the artillery and the muskets of the loyalists made more noise than execution, rallied, and began to choose a position, which gave them a decided advantage over men who were closely huddled together, and then returned each volley with spirit, until a report spread among them, that they were surrounded, as was the case; for Sir Francis, having received strong reinforcements by the steamers from Cobourg, Hamilton, and Niagara, had divided them into three divisions—the main body marching direct upon them by Yonge Street, and the other two by bye-roads and paths, about a mile to the right and left of where the patriots were encamped. The main body marched some time after the two divisions, allowing them sufficient time to make the circuit; but from some obstacles which they met with in their way, they were not there in time, or the whole party of the patriots would have been completely surrounded and cut to pieces. As it was, after a decided advantage with the main body of the loyalists, which was much superior in numbers, they were compelled to retreat, which they did in more order than could have been anticipated from their previous movements, leaving their killed and wounded on the field.

It is justly due to those men, mostly farmers, to say, that even among the tories who were there, I have subsequently learned, that had the patriots had competent leaders, inferior as they were in force to the party attacking, they certainly would, had they continued much longer to pour in so deadly a fire, have repulsed the loyalists; but without the confidence in one another which discipline gives, and taken unawares, and surrounded, and half-armed, they stood well, better, indeed, than most men of other countries would.

After the retreat, Mackenzie, Fletcher, and Van Egmond, and others, met and held a consultation at a place called Hogg's Hollow, where they concluded,

that under the then circumstances, it would be useless to reassemble their scattered forces. They agreed that, without arms, after such a repulse, their success would be doubtful. On the receipt of this intelligence, many returned to their homes, others kept together to make their way into the other districts, where, they had understood, the insurrection was to have broken out, whilst some of the leaders determined to make their way to the United States, which many of them accomplished; this was their great misfortune. Had they, after the defeat, rallied at some given place, retaining their arms, they might have swelled with the numbers which they met approaching, with which every road was crowded, from every quarter, and have contended with the triumphant party with success.

Thousands of these men from the distant townships, were met by the loyalists, most of them, of course, without arms; and when they heard of the result, made a virtue of necessity, and pretended to the governor, that they had come to aid the queen's government, and, if the pretence was shallow, the governor was far too shrewd to perceive it. They were taken in as volunteers, and enrolled, and afterwards obliged to live up to the character which necessity, not choice, had caused them to assume.

Unnecessarily, and without the slightest reason, unless in retaliation for the burning of Dr. Horne's house, Sir Francis ordered the extensive premises of Mr. Montgomery to be burned, as, he said, it had been the head-quarters of the rebels. Yet, without even that excuse, the property of Mr. Mackenzie, in the city, and the house, barn, and out-houses of Mr. Gibson, followed, and his horses, cattle, and grain, taken by the loyal volunteers. After doing these shameful acts, and with what prisoners had been taken, the triumphant victors returned to Toronto. The succeeding day, the party that had been sent to scour the country, returned with a number of pri-

soners, among whom was Col. Van Egmond. They were thrown into dungeons, where starvation and the dampness of the cells where they were confined, brought on disease of which many died, and among others, the colonel fell among the first victims, and with strong suspicion, on the public mind, that poison had been resorted to.

A proclamation was then issued by the governor, offering large rewards for the leaders, but pardon to all the rest, on the grounds, that they were duped "by those evil and designing men," and on condition that they would immediately return to their homes, surrender the arms which they had concealed in their houses, go before the nearest magistrate, and take the oath of allegiance anew, and live peaceably and quietly, and not further disturb her majesty, nor molest her quiet, loyal, and unoffending subjects.

The city was then garrisoned, and the loyalist militia quartered in every disaffected district. The families of those engaged in the insurrection were treated with the most brutal ferocity, by the very vilest of a population whose only merit was a pretended loyalty and devotion to the will of the executive, or a small, petty faction of Orangemen, who then exercised, as their compeers in Ireland, the most disgraceful party proscription. Their lawless conduct, their destruction of property, the treatment of the wives and daughters of the farmers around, for which no redress could be given, excited in the minds of the great mass of the population, who before were rather esteemed loyal, the most unrelenting hate to British law and British rule.

Those of the defeated reformers who attempted to join the force rumoured to have taken up arms in the London District, were, on arrival there, sadly disappointed. They had come too late. They had been, by order of their chosen leader, disbanded, and no resort but further flight was left for the gallant hearts that thus far had come in hopes of being able

to yet do something in liberating their country. Much blame was and is still attached to Dr. Duncombe, who was the leader chosen for that district: but, like other instances, from what we can learn, he was not so much to blame. It seems, that owing to the excessively bad state of the roads, occasioned by the heavy rains that had fallen, and partial frosts, that no news was received from Toronto; no mails had arrived. The roads were impassable: nor for five or six days after the defeat at Montgomery's, did there arrive any news even of the outbreak. As soon, however, as the matter was known at London, Duncombe called together the reformers of Norwich and Barford, and all assembled at Oakland, about fourteen miles west of Brantford, and next day he was joined by two detachments of men from Yarmouth and Bayham, two townships about sixty miles west of Oakland. One of the detachments was under the command of Robt. Anderson and Josh. G. Doan, who were afterwards with me, and one of whom fell in the action in which we were engaged, the other subsequently on the scaffold. The other detachment was under the command of Henry Fisher, now a refugee in Detroit. Thus strengthened, they encamped on a piece of ground well adapted for their purpose, and began preparations to make a favourable demonstration in that district. News however came, about the middle of December, of Mackenzie's defeat, and the advance of MacNab with four hundred and fifty men and three pieces of artillery, coming upon them on one side from the east, and Askins and Bostwick from London with two hundred and fifty; while another detachment, with one hundred and fifty more, was advancing by another route from Simcoe. Thus hemmed in, instead of advancing boldly on one or other of the different parties before they could form a junction, time was taken in calling a council, and when the news of the total defeat at Montgomery's had been

known; it was agreed, that as they were badly armed, it would be better for them to disperse, "as they were not prepared to meet such a combined force:" they unfortunately did so. The poor farmers among the reformers were obliged to leave their property to be pillaged and burnt by the loyalists, whom their officers permitted to exercise themselves in their accustomed avocation. With heavy hearts, many of them had to fly to Michigan; while those that remained at their homes were made prisoners, and sent to the jails of London, Hamilton, and Simcoe, to learn there a lesson for their folly—in quietly dispersing.

CHAPTER VIII.

Buffalo—Navy Island—Destruction of the Caroline.

While these exciting scenes were being enacted in Canada, the population of the frontier states of the United States were not silent and listless spectators. Every day the papers teemed with the intelligence, and were filled by the wishes and prayers of a people, descendants of those who, in the revolution of '76, had like them struggled and suffered. Meetings were called, and resolutions offered, couched in manly language, dignity, and force, expressive of their sympathy, and of their hopes for the success of another "American experiment" of self-government. To the frontier towns of the western part of the state of New York is to be conceded the palm in the early encouragement held out to the Canadians. In Buffalo, Niagara, Lewistown, Oswego, Ogdensburg, and other places, at the first news of the revolution, meetings were held, pledging them-

selves to aid and assist the Canadians in every legal and constitutional manner, not inconsistent with our situation as a government, nor their duties as its citizens; and when day by day was brought the intelligence of the progress of the rebellion, which rumour said had been successful at Toronto,—and then of the disaster and defeat,—they were not less warm in the cause, nor less strenuous in its support. On the contrary, when the power of the government had crushed the premature attempt, their generous enthusiasm, springing from an innate love of liberty, made them more active, and showed them more sincere and disinterested. While report had given success to the patriots, their good feelings were only shown in resolutions and offers of what aid could be constitutionally given; but when the cause became apparently different—when revolution became rebellion, and patriotism treason,—when disaster and defeat had disgraced and dishonoured their effort, and the price of blood was placed upon the head of its discomfited leaders,—when they came to their shores as outcasts; then was their sympathy shown, even to enthusiasm. They were received with joy, with honour, among a nation of friends, whose fathers like them had struggled, but with more success.

At such a time, and with such a feeling among our population, Mackenzie arrived in Buffalo. Need it be wondered at that he was received with open arms? An adjourned meeting of the friends of Canada was called at the theatre on that night; a guard of the young and most respectable citizens volunteered and were detailed to guard the hotel where he stopped, lest some prowling tory or British spy should, for the reward offered for his head, kidnap or assassinate him. And on the morrow, when he related his country's wrongs, and the desire of the people for independence; of their defeat, and its consequence, can it be thought wonderful that those

who sympathized with Greece and Poland, and aided Texas, should offer a like aid to those who were but divided from them by the breadth of the Niagara river?

A corps of volunteers for the invasion of Canada was immediately resolved upon, and numbers hastened to enrol their names. The Eagle tavern of that city was made their head quarters, from the roof of which floated the banner of Canada, the tricoloured flag, with the twin stars of liberty. Presents of arms, clothing, provisions, and munitions of war were brought to the depôt in immense quantities. The officers of the general government in vain sought to repress the spirit that prevailed; for, in our free country, when an overwhelming majority of the community were enthusiastic espousers and supporters of a cause so strongly endeared to the people, it was in vain to attempt to enforce the cold, calculating laws of neutrality—laws which had become obsolete on the statute-book. Numbers of the most respectable and popular citizens went out into the country places, and besought arms, and money, and provisions, for the contemplated "deer hunts," and exploring expeditions, which had now become the rage.

Mackenzie, and the Canadian refugees, from the feeling which they saw manifested, thought, with truth, that an invasion from the United States would not be allowed; yet, could they raise their country's banner on Canadian soil, where they could regularly enrol, and discipline the volunteers that might come to them, of the ardent in the cause, that something yet might be done for their country's liberty; he, with only twenty-five others, embarked in a small boat, and took possession of Navy Island, situated in the Niagara river, and immediately above the cataract. This island was known to belong to, and had always been held by, Great Britain, as part of her dependencies. It was an island well adapted

for their purpose, about a mile and a half long, and about a mile in breadth; well wooded, sheltered, and within half a mile of the Canadian shore. A better or more inaccessible spot, as well from the strength of the dangerous current, as its proximity to the main land, could not be chosen.

Here they were soon joined by volunteers, as well as by persons bringing the munitions of war, provision, and clothing, that had been collected at the depôt. A provisional government was established—a military commander was appointed—Rensellaer Van Rensellaer, of Albany, who busied himself in putting the island in a state of defence, in mounting batteries with the cannon that had been sent there, in disciplining the volunteers, and in holding correspondence with the friends of human liberty throughout the whole Union. A proclamation was issued, offering inducements for many to enrol themselves in their ranks, by the proffer of the wild government lands, which was signed by Mackenzie, as chairman *pro tem.* of the provisional government. An issue of paper money was made, payable from the resources of the new government, whenever it should be established; which passed current, and was readily received in payment by those who had any thing to sell that was required, either in the line of ammunition, or provisions for the daily augmenting force on the island.

When the news of the selection of this bold position, with the increasing numbers that hourly flocked to the patriots, reached Toronto, it produced the greatest sensation of alarm among that party which had flattered themselves that the Canadians were totally crushed. At the same time, it held out hopes to the down-trodden and oppressed, that yet there might be a chance of something being done for them; which they resolved, at the risk of their lives, to second and support. Many, inspirited with this hope, at the most imminent risk, left their homes,

and crossed the lake, at that inclement season of the year, in open boats, and joined their countrymen. The governor, alarmed at this new effort, ordered Colonel MacNab, who had marched against Dr. Duncombe into the London district, to return, and take up a position at Chippewa, opposite the island, to prevent the landing, and watch the movements of the islanders. His force, likewise augmented by reinforcements from the loyal volunteers, erected batteries, and returned a regular interchange of shots with their opponents, from their respective places, but without materially affecting each other; only serving to keep the attention of the people fixed to that point, and accustoming the recruits to the use and noise of artillery. After a few days of this ineffectual cannonading, and while both parties were making preparations to land on their antagonistic shores, an event took place, which roused the whole population of the United States, and well nigh created a general invasion of the whole British territory. This was an insult the most reckless, cowardly, and unwarranted, that ever was offered to a sovereign people.

The steamboat "CAROLINE," the property of a citizen of Buffalo, regularly entered and registered as such, and commanded by Capt. Gillian Appleby, an American citizen, had availed themselves of the opportunity which the vast concourse of citizens from a distance, attracted by the rumours of the occupation of the island by the patriots, and wishing to see how they were, hastened to fit up this boat as a ferry boat to ply between Buffalo, Black Rock, Schlosser, and Navy Island, for which they charged each passenger twenty-five cents. She had been running some days, manifestly to the profit of the owners, and had carried provisions and other matters to the island, for which freight she was paid as customary. On the 29th of December, while the American flag was flying at mast head, she was fired

at in repeated volleys of musketry, but without effect, from the British shore, which she was passing. She made her trip, returned, and that evening was moored at the wharf at Schlosser, and made fast with a chain in the usual manner. Report that day had become current, that during the night or early in the morning, Col. MacNab had intended to attack the island. A number of citizens, attracted by which, had the curiosity to see the affair at a distance, who probably could not be induced to approach near, nor take part in such a matter. Unable to procure beds at the only house at Schlosser, a number of them came on board the boat, twenty-three in all, and, as they were acquainted with Capt. Appleby, requested permission to remain on board, for shelter for the night. The captain acceded to their request, and furnished mattresses for them to sleep upon, on the floor of the cabin. About one o'clock, and while all were asleep, feeling no apprehensions, with their country's flag waving over them, these sleepers were awakened by an alarm given by the individual whose duty it was to watch—as is customary on board a steamboat while lying at *any* wharf—that a number of boats loaded with armed men were making towards them. Before Capt. Appleby could reach the deck, it was in possession of about fifty men, part of the British force stationed at Chippewa, who commenced an indiscriminate slaughter on its undressed, unprepared, and unarmed occupants and crew. Under the fierce cry of their commander, Drew, a retired officer in the British navy, of "G—d damn them—give no quarter—kill them every one—fire;" as might be anticipated, the persons on board were soon overpowered. Six of their number, by the British account, were killed, and several wounded, who with others were driven on shore. The American account, founded on the testimony of Capt. Appleby, Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, Wm. Kennedy, William Wells,

John Leonard, Sylvanus Staines, and John Haggerty, and others of the survivors, make it more. Of the thirty-three, the number of crew and passengers on board, twenty-one were found, and the other twelve were killed and missing, and never since have been heard of. One gentleman of Buffalo, Amos Durfee, was found dead on the wharf the next day, lying on his face, a musket ball having penetrated the back part of his head, and passed out by his forehead. From the situation of the wound, his death was instantaneous, and must have been received from the volley which was fired after the persons had escaped and gained the shore.

The ill-fated vessel, with the bodies of the murdered and missing, was then towed into the stream, and set on fire. The blaze of the burning timbers apprized the occupants of Navy Island of the deed: the thrilling cry of the living souls on board, with the wails of the dying, as the burning vessel glided down the resistless rapids, with the thunder of the tremendous cataract, more awfully distinct in the still midnight hour, horrified the mind of every spectator, as they watched their fellow-beings hopelessly perishing before their eyes, by the double horrors of a fate inevitable, that no effort of theirs could avert. They watched with agonized attention the flaming mass, until it was hurried over the falls, to be crushed in the everlasting darkness of the unfathomed tomb of the waters below.

The exasperation in the public mind, when this most horrible affair was communicated, was indeed excessive in the extreme. All classes of our citizens became maddened at the daring, murderous, and aggravating circumstances connected with the whole affair. The local authorities of a sovereign state, that had been invaded, immediately organized a large force of the state militia, and marched them to the frontier. Gov. Marcy, of New York, called the attention of the state legislature, in a special mes-

sage, to the event that, in a harbour of that state, a vessel owned by a citizen of the state, and having on board thirty-three persons, "were suddenly attacked after midnight, when they had retired to repose, and probably that more than one-third of them were wantonly massacred," and that the twelve persons missing were in all probability "either killed by the invaders, or perished in the descent of the boat over the cataract." The message further asserted that this "*outrage*" was not marked by any act done, or duty neglected, by the government of that state, or the Union, and while it left the charge of redressing the wrongs, and sustaining the honour of the country to the general government, the governor recommended the legislature to make provision for a military force adequate for the protection of the citizens and the maintenance of peace upon the exposed frontier.

The president of the United States, as soon as the intelligence reached Washington, followed up the matter *then* with a corresponding vigour. On the fifth of January, the secretary of war directed Gen. Scott to proceed forthwith to the frontier, and confided extensive descretionary powers for its protection and the preservation of peace. On the same day, the secretary called the attention of the British minister, at Washington, to the "extraordinary outrage;" spoke of the insult to the country's flag, and of the loss of life occasioned by it, as "the assassination of citizens of the United States on the soil of New York;" but, alas, for the honour of our country, nothing further has been done, than a procrastinated diplomacy between our country and England, which has been eked out to such a length that we now fear there are no grounds to hope for justice. Did not this act of offensive, unprovoked war, at one single blow nullify and extinguish forever all treaties and treaty obligations between Great Britain and the United States? Did not this dastardly act of

murder, since acknowledged by England, place the two nations in the attitude of belligerent powers; dissolve all laws, treaties, and obligations, on our part, and not only justify but imperiously demand immediate and sure vengeance on the aggressors who polluted our soil? We unhesitatingly assert, that even in the dreamy books of international law we would be borne out in what we say; but although the general government acted with such *moderation*, the people were not actuated with the same feelings; they have since shown a disposition to wash out the insult and avenge the murder of their fellow-citizens

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CHAPTER IX.

Flight of the Canadian Refugees to Michigan, Detroit, and our interference, &c. &c.

About this period the public mind in Detroit was kept in a constant ferment at the news daily arriving from the lower province. The disasters at St. Charles and St. Eustache, the defeat at Montgomery's, and the arrival of many refugees, who were daily flying to our shores, after the disbanding of Duncombe's detachment in the London district; and their heart-stirring narratives of the oppression they had endured, and the wrongs they had suffered, fed the flame of excitement, and enlisted enthusiasm and sympathy in behalf of Canadian freedom. Naked and hungry, those refugees, many of them with helpless families, rudely cast out from their homesteads, sought a temporary asylum in the neighbouring states; many of them, hunted like wild beasts of the forest, compelled to leave their wives, and children,

and property, to the cruelty, and lust, and avarice of an embruted soldiery, and glad to escape hither with life. The eloquence of nature spoke irresistibly to every ear that was open to the glowing story of their wrongs. Public meetings were spontaneously convened, and funds raised, by the general contribution of the citizens of Detroit, to sustain the fugitive stranger. They were fed, and clothed, and "ministered unto." Compassion begat a kindred feeling. Their condition, and the causes which led them to encounter the perils of rebellion, was historically compared with the motives that impelled the heroes, and produced the sufferings of seventy-six. Argument the most plausible, and impulse the most honourable, was not lacking, to make that virtue, in 1837, which certainly was not criminal in 1776. Neither the lapse of time, or the variable condition of man, can change the moral hue of human action. If Washington could not be branded with treason to his king, nor Lafayette, and Kosciusko, and Pulaski, and Steuben, be justly condemned by faithful history, why, it was urged, should the Canadian aspirant for the independence of his country, or the American who espoused the cause, be stigmatized as a traitor, or the other be considered as criminal? Such burning thoughts as these filled and swelled the bosoms of hundreds—were uttered at every gathering—and spread like a contagion from house to house, and from the capitol to the remotest hamlet in the state. Who that then lived in Detroit can forget the deep interest that was hourly experienced by the arrival of some Canadian stranger, driven and pursued from his home; and the respectful attention given, by crowds of the most intelligent citizens, to the thrilling details of his escape from the Indian and Negro volunteers in the royal service, or from the more brutal Orangemen. Who can forget the appeal made to American freemen, by the poor refugee, driven from his home, his family, and his country, and dog-

ged and chased through the woods of Canada, in the bleak month of December, threatened at every step by the ambush of the hired savage, whose natural appetite for the white man's blood, was whetted and stimulated by the pecuniary reward offered for the scalp of the patriot? Who could listen to the tale of wo, told by one who had witnessed the burning and pillage of his own home, and not feel? Who could hear the aged father's story of a daughter's violation, by the vile runaway negro slave of the south, in government service—the murder of his brave sons, while protecting their sister—and his own desperate efforts to defend his little grandchildren from being consumed in the scorching ruins of their own once happy home—who could hear these thrilling facts related, and not feel? Yet such facts were presented in an unquestioned and authentic form, to several meetings of the citizens of Detroit, by venerable and respectable Canadians, whose manner and appearance, confirmed by a previous knowledge of character, stamped their narrative with all the indicia of truth.

Superadded to this all-sufficient cause of excitement, was the constant intercourse kept up daily between the inhabitants of Windsor, Sandwich, and the Canadian settlements on the river, and the citizens of the United States resident in Michigan. Threats to pursue the refugees, even to the United States, and force them back to glut the vengeance of their enemies, were reported to have been made by the subjects of the throne; and in case of a refusal to surrender such as were demanded to British justice, to lay Detroit in ashes through the instrumentality of the black troops in British pay. It is easy to irritate, but difficult to soothe. Besides, the American people are, very naturally, ardent in the cause of human liberty. During the first stages of the French revolution, when that gallant people, under the guidance of La Fayette, manifested the

spirit to be free, and to establish a representative government and a sovereignty emanating from themselves, but one prayer was breathed forth by Americans, and that was, that the people might triumph over hereditary imbecility and legislative pollution. In that case, the theatre of action was some thousand miles across the ocean; and the justice of the cause could only be judged by a species of secondary evidence, dependent upon the fidelity of the narrative conveyed in newspaper accounts. Far different in the instance now the subject of comment: the scene was in the vicinage; the drama enacted under personal observation; the war cry could be heard, and the lash of oppression witnessed from the American soil. Although it seems by late judicial construction, that the spirit of the constitution and laws of the United States imperiously forbid the propagation of civil liberty,—as if it were morally wrong to emulate the virtuous examples that gem most brilliantly in the history of the Revolution,—yet, nevertheless, the spirit of the people most obstinately runs counter, in that respect, to the constitution and laws as understood by the ermine. With but few exceptions, but one feeling animated the inhabitants of the north-western frontier: all parties desired Canadian liberty; all wished well to the cause; many were disposed to go farther than wishes, and many did so.

It is not wonderful, considering the period, the place, the national characteristics and reminiscences, and the complexion given to the cause of Canada, that among the young and enthusiastic of the population of Michigan, many were found willing and anxious to enlist in the service of the provisional government of Upper Canada, then temporarily established at Navy Island. This government had published the Declaration of Rights, and made its appeal to the reason of civilized nations. The causes of separation from British rule; the oppression en-

dured by the mass of the people, kept down by foreign bayonets; the denial of justice; and the tyrannical government of so fine a country as the Canadas, teeming with such a hardy and enterprising a population, by palace pets, deputed by distant royalty to give and to execute law; were glowingly set forth in a state paper, not surpassed in spirit and in truth by the American Declaration of 1776. This paper most eloquently addressed our feelings as Americans, and called upon us to aid an injured and an oppressed people to burst the iron bonds of English despotism. Besides, the assurance was given, that, on planting the banner of liberty in Canada, and making a stand there, that the whole population would rise "en masse;" and that all the people wanted to enable them to conquer the foreign hirelings, then possessing the country, and trampling on right and justice, was arms and ammunition—the munitions and the means of warfare.

I had long resided in Lower Canada. I was intimately acquainted with the French population, spoke their language, and understood their customs. Having practised for years my profession among that warm-hearted class of people, and gained for myself their unlimited confidence and esteem, I well knew that at least fifteen-sixteenths of the population of the lower province were ardent in their desires for a separate government from England, based upon principles of civil and political equality, and that, in order to obtain the object, they would fearlessly encounter every peril, and submit to every privation. An association of years had afforded me a clear insight into the prominent characteristics of the Canadian peasantry or *habitans*, and I knew them to possess in an eminent degree those physical and moral qualities so essential in a good soldier. The mutations of a century had measurably changed the face of the country: English laws, and English officials, and English mercantile emigration, had, to a

certain extent, illustrated the saying of the Latin poet:

"Tempora mutantur, et nos mutamur in illis."

But, nevertheless, the British rule in the lower province had effected but little in subjugating the spirit of the peasantry. They had lost nothing of the chivalry of their ancestors. Brave, enterprising, hardy, patient, subordinate by nature and education, capable of enduring the rigours of the climate, and subsisting upon the most scanty allowance of food; devoted to the religion, the laws, language, and customs of their mother country; easily disciplined to military life, ever evincing an eagerness for military fame, proud of the glory of Frenchmen, and imbued from infancy with an instinctive hatred of their rulers and their mode of government; they wanted but skilful leaders, speaking their own language, and the necessary apparatus of war, to constitute them, in the then existing condition of the country, an invincible army. A colony of these men had been established along the southern banks of the river Detroit and lake St. Clair, up to the river Thames; and as they had almost daily intercourse with Detroit, they could not avoid contrasting the prosperity of the American side with the condition of their own country, and marking the superior civil and political advantages enjoyed by the inhabitants of the states. These considerations, added to their native antipathies, rendered them the most ardent (although from necessity the secret) friends of Canadian independence; and they longed to participate in aiding their suffering brethren of the lower province. My professional pursuits leading me at this period frequently among them, and having the confidence of their principal families, I was not long in ignorance that the desire was generally entertained to raise the standard in the western district, and make a diversion in favour of the friends of the cause, by attracting

attention to this quarter. At the earnest solicitation of many of the French Canadians, and the requests of the provisional governments of both Upper and Lower Canada, and in the redemption of my pledge to my old neighbours near Montreal, I accepted the commission of Brigadier General in the Canadian revolutionary service. My negotiations in this matter were not unattended with difficulty and risk. Although my Canadian friends were closely watched, and spies placed among them to note their expressions and movements, and espionage even kept up by hired agents on the American side, yet I found means to communicate with their confidential leaders, and in a short time was enabled to effect a complete organization throughout the whole western district. Nor were the British authorities idle. They suspected the French "habitans," and had recourse to every measure to intimidate, but were never able, either by promises or threats, to induce them to be enrolled, or to join their militia force.

During the progress of these events, a council of the friends of Canadian liberty had been formed in Detroit. Recognised as amicable, and confided in as trustworthy by the provisional government at Navy Island, they were in the daily habit of communicating to, and receiving intelligence from, the head-quarters of the republican army. Not wishing to implicate our own government, or infringe its neutral and amicable relations, the organization of an expedition within the jurisdiction of the United States, was anxiously sought to be avoided. A day was named for the Canadians themselves to rise in the district opposite, and it was determined that such American citizens as were so disposed, and there were hundreds, should cross the river unorganized, although equipt, and join the Canadian force already in the field. This plan, it was conceived, enabled Americans to escape the imputation of violating their own laws; and to *this plan* I de-

termined to adhere. Having solemnly obligated myself, on becoming a citizen of the United States, to support its constitution of government, I was resolved, that I myself would not, however warmly engaged my feelings were in the success of the Canadian revolution, knowingly trespass upon that obligation. Common sense taught me that my acts beyond the jurisdiction of the United States, could not be viewed as an offence against its constitution; and my reading of the law, guided, too, by the solicited construction of the district attorney of the United States, who knew not my object in making the inquiry, led me to consider it no offence contemplated by the statute, to join an expedition *out* of the United States, although such expedition might have been previously and unlawfully "set on foot" within its jurisdiction. A day, therefore, was agreed upon for a rising opposite Detroit. On its arrival, another citizen of Detroit and myself crossed over to Canada in the ferry boat, and landed at Windsor.

Windsor is a small village, situated on the south-east side of the river Detroit, opposite the city, and chiefly deriving its importance from its location, and the facility with which the revenue laws of the United States may be violated. Two large retail and wholesale stores are established here; and much wealth has been rapidly accumulated by the proprietors, in vending their merchandise to all classes in Michigan, high and low, rich and poor, male and female, who constantly, especially during the spring and summer months, flock in crowds to these stores, and most wonderfully succeed in smuggling across goods of every description. Piety and patriotism embark in this business without scruple, and the richest carpeting cover the floors of the mushroom nobility of Michigan, and the finest lace ornament the persons of their wives; on all of which offended law has a claim, could its ministers be possessed of the requisite proof. A steam ferry is established,

capable of performing, on an average, three trips in the hour. The intercourse, therefore, between the city and the village is constant; and until the river is interrupted by ice, the latter might almost be considered as the suburbs of the former. The inhabitants of the two places are as neighbours, seeing each other every day, transacting business with all the confidence of citizens of the same government, extending mutual credit, and in many instances the families of both sides of the river, united in affection and feeling by the cords of kindred and intermarriage.

Having previously arranged this visit to Windsor, with the view of remaining, and taking my part, as a leader, in the contemplated rising, I was sadly disappointed in ascertaining the fact from a confi dential agent in the affair, that owing to the occurrence of unforeseen circumstances, the movement must necessarily be postponed to a future day. But the visit was not in vain, although the plan of operations was changed, and the scene of action shifted. I met a few of those who had consented to occupy posts of responsibility, and found means of making other subordinate appointments, with implicit confidence that all would be ready at a given period. I had been aware for some time previous, that my movements had excited the suspicion of the authorities, and that spies had been placed upon me by the magistracy of Sandwich, a village some miles below; and in order to effect their design in ferreting out my views, these well paid hirelings pretended to be friends to the cause. While they were mining, I was countermining. While they feigned treason to the throne, and, what was morally worse, were committing treason to friendship; there was in their midst, a nobler traitor; one who loved liberty; one who panted for Canadian independence, but pursued, as the best plan of serving the cause, the perilous course of worming out the views of the royal func-

tionaries, and at the same time receiving the king's pay, for vigilantly tracing the movements of the revolutionists, and discovering their designs. When Canada is free and independent, as she is soon destined to be, many a name will stand forth from loyal obscurity, now unsuspected, and be hailed as an efficient benefactor in her first unfortunate effort to conquer oppression. Until that period arrives, it would be the basest ingratitude to make the slightest allusion, either to the sex, condition, or present position of one who did much, evinced a spirit to do more, and to endure every privation, to advance the cause of civil liberty. While the individuals who were employed to watch my motions and report my designs, flattered themselves they were unsuspected, I had accurate information, from an unquestionable source, of their real character and object. The game of deceit was, therefore, doubly deceitful. I permitted them to dog my steps, continually misled them in their calculations, and never, in a single instance, failed in directing them on a false scent. The information which these spies received from myself and others, was, if deemed of consequence to excite action among the American authorities, immediately communicated to the civil and military functionaries of the United States; and many an amusing midnight expedition was the consequence.

Among the magistracy of the western district of Upper Canada, was an individual of the name of John Prince, a well-educated and wealthy Englishman, who had, a few years before these events, emigrated, or, rather, ran away from London, with plenty of golden means to secure himself a retreat in the western wilds of Canada. It is not for me to pass an opinion, in this work, designed more to detail my connexion with the revolution than to give its full history, on the truth or falsehood of the prevalent reports relative to the cause of this man's flight from England. He was an attorney in the

city of London; he is now an advocate and counsellor in the village of Sandwich. Having purchased an extensive estate in the vicinage of this village, and erected a spacious dwelling, he strove to imitate in his style of living—his hounds for hunting, his park for game, and his ostentatious hospitality—the manners of the artificial nobility of his native land. At this time, he was a colonel in the militia, a magistrate, and a prominent member of the provincial parliament, elected expressly by the friends of reform, as the radical candidate. Ambitious of distinction, he placed no value on his early pledges to the people, by whose voice he was placed in political power; thirsting for knighthood, to hide in obscurity some portion of his early history; dark and mysterious, cruel and vindictive, plausible but to deceive, he spared neither money, nor time, nor art, to crush the spirit of reform, and blight the hopes of the friends of Canadian independence. By physical appetite a sensualist, his propensity for the indulgence of the table was the only foible in his character that was available to the attacks of his enemies. When under the influence of ardent stimulant—and it was a frequent habit—the fang of the serpent could be seen, and precaution taken to neutralize the venom.

While waiting for the boat, on the evening of the day already alluded to, at the storehouse of James Dougall & Co., adjacent to the ferry, I was accosted by Prince, in a state of intoxication. I ascertained that there was discord and wrangling among the provincial magistracy; one of whom, a man of French descent, who had borne a conspicuous part in the last American war, was severely catechized in my presence, for the apparent indifference which he and the other French inhabitants had manifested in taking up arms to suppress any attempt at insurrection. At this time, no very friendly feeling existed between Prince and myself. We knew each

other. He suspected me; and I had ample reason to keep a constant look-out upon him. Besides, some days previous, Prince had shamefully abused a poor Irishman whom he had had in his employ, and had threatened him with imprisonment, when demanding his wages. As this poor fellow had been a citizen of Detroit, and a countryman of mine, I was well acquainted with him, and had received from his own lips the narrative of his wrongs. He had a large family dependent upon his exertions, and consulted me on the plan best calculated to recover his due from Prince. I, accordingly, so arranged his business, that the first time Prince visited Detroit, I had him arrested for the debt, and he was obliged to pay it. This insult, as he termed it, to his consequence and standing, he very justly attributed to me. A man that never forgives, rarely forgets; and the transaction was too recent, to require the impulsive power of vindictiveness to freshen recollection. I knew by the restless brilliancy of his eye, distantly flashing like the electricity of an approaching thunder-storm, that he had been at his cups, and was

"Vindex in vino."

I saw the advantage he possessed, in the circumstances in which I stood:—the disturbed state of the country, my well known republicanism, my intimacy with the French, and my personal presence at the various meetings in Detroit, for the relief of the Canadian refugees. I knew at once that he could, with the assent of the other magistrates, a majority of whom were present, commit me as a suspected person, without oath. He possessed the power, and had the disposition. I saw the ferry-boat returning; and, believing that bold audacity was my only chance, and fixing upon Prince the motive of private revenge, and not the public good, the best way to mislead his fellow-magistrates, I did not hesitate.

Without exhibiting the least apprehension, I expressed my opinion of his conduct, and admitted his accusation; and that I did—what was my blessed privilege as an American citizen—freely, at the public meetings in Detroit, avow myself a friend to the revolution of the Canadas. My boldness had the desired effect; and Prince's conduct in assailing me, was attributed by his colleagues to personal pique, and the desire to punish me for his arrest in Detroit; and when the ferry-boat recrossed, I came with it. Thus was I rescued, for the first time, from the cherished revenge of this man. The sequel will expose his malicious temperament in other instances, and my most fortunate escape, to his lasting mortification.

CHAPTER X.

Change of Plan—Departure of the Schooner Ann from Detroit—Gibraltar—Indian Emissaries—Arrival of Sutherland—Departure from Gibraltar—Attack on Bois Blanc—Cruise of the Ann.

It was now the middle of December; and what was very unusual for the season, the river Detroit was free from ice, in navigable order, and the weather extremely moderate. The Canadian refugees, numbering some 320 men, who had congregated in and about Detroit, had been supplied by the benevolent, who desired to witness their successful return to their farms, and the overthrow of Canadian despotism, with arms, ammunition, and provision for a winter's excursion. These men had been organized secretly, under their own chosen leaders; and, being chiefly from the London district, were of English or American descent—had arranged a plan of attack, that, in

the then situation of that portion of the province opposite Detroit, promised at least a temporary success. Many American citizens, who, in their enthusiasm, had buried all scruple in relation to the law of their own country, had enrolled themselves with them. Their plan was communicated to me; and, although I most pertinaciously adhered to my determination, not "to set on foot an expedition within the United States," or "provide the means," yet I did not deem it a crime to enter into consultation, and agree that my friends, now organizing in Canada, should cooperate with the refugee detachment in the United States, then nearly prepared for invasion. As there was no regular British force, at this time, in the occupation of either Sandwich, Windsor, or Malden, and those places were only protected by the provincial militia, hastily collected, and many of whom, it was known, were by no means ill disposed to the revolution, the council at Detroit, who had assumed the management and direction of the expedition organizing in Michigan, determined, in the expectation that the river would be sufficiently frozen to bear the transportation of men, by the first of the coming year, to make a landing at that time, at Windsor, confidently believing, that, could they there plant the standard of the provincial government, and maintain their position for a week, they would receive additional recruits from the hardy and enterprising young men of Ohio and Michigan, and be able successfully to repel any force of British regulars that could be spared from the lower country. They had, also, assurance of an ample supply of provision and munitions of war, could they only obtain a promising position out of the jurisdiction of the United States. But the occupation of Navy Island, the seizure of arms from the public arsenals, the excitement on the frontier, and the remonstrances of the British minister at Washington, had roused the government of the United States; and the civil and military autho-

rities in Michigan, now active and vigilant, interposed obstacles and difficulties to the original design, that could not well be surmounted, especially as the law of nature seemed to be suspended, adversely to the plan of a direct invasion from Detroit. Contrary to every reasonable hope, the river remained open, and no preparation had been made for water craft; and if there had been, the vigilance of General Brady, the military officer in command of the United States forces, and the marshal's deputies, forbade the attempt. The whole plan, therefore, to my great regret, was changed; of which I was apprised in time to communicate with my subordinates on the other side. Malden, at the mouth of the river, was now the selected object of attack; and the refugees and their allies were directed secretly to congregate at Gibraltar, a small village in Michigan, by the sixth and seventh of January, so as to make the descent upon Malden upon the glorious eighth, a day so celebrated in the annals of American heroism.

On the morning of the sixth of January, 1838, I witnessed the departure of the schooner called "the Ann of Detroit," laden with arms and provision, and having on board a company of refugees, well armed and equipt for service, all being under the command of Captain R. Davis, formerly of the London district, U. C., a man whose personal appearance betokened physical prowess, and whose spirit and determination could not easily be subdued. He had also with him a small corps called "the Spartans," so called from their resolution to risk all in the cause; his whole command consisting of one hundred and thirty-two men.

I was awaiting information from my friends on the other side, and consequently, although strongly suspected by the American functionaries, my detention in Detroit at this crisis, was observed, and construed as favouring the belief, that I had no connex-

ion with the expedition which had just departed from the public wharves. And such was the fact. In the course of the day, my trusty agent, whose name must remain in obscurity until Canada is free, brought me the intelligence, that my friends on the other side would be prepared to raise the standard of rebellion, on the day agreed upon; and that the occupation of Malden by the refugees would be the signal for a general rising from St. Clair to Lake Erie.

Having made all necessary arrangements, and bid adieu to my family, not expecting to see them again, until I was in command on the opposite shore, I proceeded to Gibraltar, in order to be ready, at a moment's warning, to join "my command," as soon after the contemplated capture of Malden as circumstances would admit, firmly resolved to have no connexion with the expedition raised on this side, and to steer clear of violating the law of my adopted country. In that expedition I had no command; I did not participate in "setting it on foot," and my stay at Gibraltar until after its departure, was in common with that of many citizens who were attracted there by curiosity or business. Nor should it be here alleged, that I was too nicely scrupulous about the law, inasmuch as I had accepted a commission in a foreign service to wage war against an amicable power. Even here the injunction of the law was punctiliously observed. *What I did, and what I was to do*, was located beyond the legal jurisdiction of the United States. I reached Gibraltar before the arrival of the schooner Ann. Men, however, from all quarters had assembled there, and something like a regular camp was established, and military rule and discipline observed. I took lodgings in a tavern, and had free intercourse with the gentlemen having the control of affairs, and as far as my advice was of service, it was freely tendered and accepted. While here, however, an incident occurred that called for more than mere advice.

Intelligence was brought to the camp, that three chiefs of the Huron tribe of Indians, resident in Canada, had recently been seen on this side of the river, dressed in their war costume. It was believed by those who knew their character, that their visit was hostile, and that they had gone into the interior, some miles distant, to certain Indian villages, back of a place called Flat Rock, where a branch of their nation resided; and that their object was to raise the tribe, and induce them to commit depredations upon American settlers, and then recross the river, and in that way give employment to Americans at home, and divert them from busying themselves in Canadian troubles. To ascertain the truth of this report, and, if true, to defeat the project, I proposed to the officer in command, to pursue their trail, if he would allow six men to volunteer to go with me. This he did. Many were willing, but I selected such as I knew I could depend upon, and with a trusty guide acquainted with the woods, we at once followed upon their trail. This was an expedition; and here I admit, that, had its object been hostile to Canada, I was then infracting the law: but the design was to defend the settlers from Indian plunder. The night was dark, the weather, a dripping rain. After a troublesome and unpleasant march of some hours, we arrived at the wigwam of the chief whom, we learned, was married to the daughter of the old Huron Indian named among the English by the euphonious title of Split-log, somewhat notorious in the history of the last war, as one of the allies of his most Christian majesty, the sovereign of Great Britain and Ireland. The chief was not at home, and the guide, who knew his family, and had reconnoitred the establishment, gave the information, that old Split-log was there. The party surrounded his cabin, and took him prisoner. We essayed to deceive him in this manner. I entered the cabin, and informed him, that I and my party had come over from

Malden by order of Col. Prince, to see one Magee, a half-breed, in British pay, who had been intrusted with a negotiation, and that the colonel desired his immediate return. The old man, from my dress, having on a blue frock coat, cut rather in the fashion of a military undress coat, with a standing collar, and the armed men who attended me, may have thought that I was a British officer. He, however, accompanied me, without indicating any suspicion, to the place where Magee was, at the upper village, and where the chiefs and young men of the nation had agreed "to meet and hear his talk." Split-log, old and feeble as he seemed, led the way, with the activity of youth. After the endurance of much fatigue by my party and myself, coursing the woods, and crossing the Huron river at much risk, it being then swelled beyond its banks, in consequence of the heavy rain that had fallen, we neared the upper village. As we approached, an Indian stepped forward and strove to interrupt our further progress. He had been sent to summon Split-log to their council. By threats of instant death, we compelled him to guide us to the principal lodge where they were assembled. It was situated a little distance from the centre of the village. I placed the two Indians in the custody of the two armed men, with directions to shoot them, in case they offered to escape, and with the remainder of the party, determined to enter the lodge, confiding the issue to audacity and fortune.

We interrupted Magee, in what seemed to him to be a splendid oration, which had been placed in his mouth by our most merciful neighbours. He was delivering, with great animation, an angry pow-wow to some twenty Indians, which was subsequently interpreted to me by Jaques Campau, our guide; a man of sterling fidelity, and whose birth on the frontier, and Canadian descent, gave him an intimate acquaintance with the Indian habits and language, and whose uniform integrity had secured him their

confidence and attachment. Magee pourtrayed the might and power of the British people, and how kind they had ever been to the poor Indian. That a great chief, who lived away beyond the rising sun, and had more warriors and young men than the leaves of the forest, governed all the red-coats, and was the only great father of the red man. That the Yankees were bad men, liars, and had always cheated the Indian, and drove him from his wigwam and hunting grounds. That they were now in arms, near by, to drive them from their villages on the Huron, and rob them of their horses; that their friend, the captain of their British father, had sent him from Malden, to tell them to be watchful, and advise them that they had better punish the Yankees around them, and fly immediately to him at Malden, who had sent for plenty of red-coats, and had already brightened the war hatchet, and given rifles to the black snakes.* This was in brief the substance of Magee's talk, and although unacquainted with the guttural gibberage in which he spoke, I knew from his action and the angry countenances of his savage audience, that he was persuading them to some hostile course of conduct. When we entered the lodge, he was standing in the centre of a number of men, who were seated in a semicircular form in front of him, and as his back was towards us, our entrance was not perceived, until I was at his side. Campau and the four men who followed me, wisely and speedily placed themselves between the savage listeners and a few Indian rifles, that had been placed in a corner of the cabin. Magee startled at the interruption, and would have made for his rifle. A stir was manifest among the others, but, on perceiving their situation, deprived of arms, and my force, they changed in an instant from an hostile scowl to the smile of friendship. I quietly told Magee that I had come with authority to arrest him, and pointing sig-

* The runaway negroes.

nificantly to Campau, whom he knew, I led him to understand that I was aware of what he had been saying, and for what he had crossed the river. Placing him as a prisoner in custody, I assumed his place as orator of the night, and informed his silent and amazed auditory, through the interpretation of Campau, that I fully understood the errand of the British emissary and the enormities he wished them to perpetrate, that their compliance with his designs would be ruinous to them, that he had spoken lies, and that their American neighbours were their friends; that they must remain quiet and peaceful, and that I had a sufficient force within call, and that they must remain where they then were, lest they might be seen by some of my warriors in the woods, who, believing them to be enemies, would probably take their scalps, which I and their American father would greatly deplore.

One of them, after some consultation, replied for the rest, and promised they would attend to my talk. He said, that but one or two drunken Indians had listened to the offers of the red-coats, and that those present had only come to hear what Magee had to say. That they would prevent their young men from being led astray by the wicked British Indians, that they loved the Yankees, they were good neighbours, and that the red-coats over the river had crows for warriors, and that they would not join a war party with dirty black birds. After a most solemn assurance that they would stay at home, and not mind what Magee had said to them, we parted friends. Notwithstanding all this, however, I have since understood, that upwards of thirty of them crossed over to Malden the ensuing week, and tendered their services as adjunct allies with the black birds, to her most gracious majesty's commanding officer, and were most graciously received. So much for Indian profession. We left them, however, unmolested, and brought our prisoners along with us;

and although we were fatigued, weary, and wet, and the rain had not ceased, we reached the settlement a little after daylight, and Gibraltar about noon. By this time, the schooner Ann had got down, and with her had arrived a few other boats and small craft with about three hundred Canadian refugees. Davis, in his voyage down the river, had been chased by an armed British steamer; but on fearlessly manifesting a readiness for action, they leisurely kept at a distance, watching his course, and no doubt communicated immediate intelligence to the American and British authorities, of the character of the vessel, and the mustering of an armed force, in the neighbourhood of Malden. This was unfortunate, and boded defeat to the main object of taking the place by surprise, securing British ground for the discipline of hastily levied and untutored troops, and unquestionably would protract, if not prevent, the conventional rising of the Canadians themselves. Davis had also been accosted, near the river Ecorse, which empties into the Detroit, several miles below the city, by the United States marshal, and a posse of the citizens, most of whom, however, being favourably disposed, rather facilitated than retarded his progress. His escape from arrest, however it was viewed as the subject of gratulation by the leaders at Gibraltar, only added to my perplexity, and convinced me that the contemplated capture of Malden would not be so easy a matter as was at first anticipated. I saw difficulty and danger ahead, but deemed it best to keep my mind to myself; for the men engaged had now gone too far to recede with honour; and delay, however wise, would only serve to strengthen our adversary, and afford further time for preparation.

That night the steamboat Erie, a small craft, designed to ply between the border villages on the river and the lake, arrived at the wharf, conveying about sixty volunteers from Ohio, and with them, in reputed command, derived from Navy Island, a man who

graced himself with the high-sounding Scotch appellation of General Sutherland. With an air of importance, and an ostentation of authority, he at once undertook to command and direct the expedition. Of somewhat imposing personal appearance, of which he was excessively vain; gifted with an impudence that counterfeited courage, and a copiousness of words, that could never be mistaken for genuine eloquence, reminding an unfortunate hearer, who had ever slept in a garret-loft, of the incessant pattering which rain-drops make upon the roof—constant sound, and no sense; this man, Sutherland, was to the cause of Canada, and at this crisis, the fiend of discord, that could promise in this quarter no other issue than shame and defeat. What spirit could have prompted the provisional government at Navy Island, knowing the man, to send among enthusiastic and warm-hearted strangers, devoted to their cause, such a plumed popinjay and blustering Bobadil, it is difficult to fathom, and never has been explained. His subsequent connexion with the revolution, was but an exposure of imbecility, indecision, avarice, meanness, treachery, and cowardice. He imposed upon the public, and pilfered the patriot purse. He had neither firmness nor fortitude; he had neither skill nor daring. He could not instruct properly a single platoon, or face an enemy in the field. He came to Michigan "in a flourish of trumpets," himself blowing the principal horn; he left it, one cold winter's day, after a variegated sojourn, in which he plucked no laurels, and was taken prisoner on the ice, at the mouth of the river Detroit, by John Prince, unarmed, except with a shot-gun, and unattended.

This man's arrival at Gibraltar seemed to me the commencement of discord and disorder. The men were disgusted with his foppery and assumed importance. He was a stranger, and they could not, at once, confide in him. The heartless hireling, who perils life for lucre, cares not who leads, as long as

the pay and the plunder is sure: but no such Dalgetty-ism ever can characterize that species of troops who are called into action by principle and enthusiasm; and they cannot be inspired with confidence, when they question the courage or the competency of their commander. The night of Sutherland's arrival was passed in a council of war, to which I had been courteously invited, and at which I felt it my duty, as well to myself as to my associates on the other side, to attend. At this council, Sutherland exhibited his recommendatory letters, and claimed the command. This was denied him; and he, on his part, refused the exhibition of the plans of the provisional government, which he alleged were in his possession, and left the council. The force was estimated at five hundred men, well armed, composed of the refugees, and adventurous young men from Ohio and Michigan, amply sufficient, if properly directed, with promptitude, to accomplish the object had in view. Letters had been received from Detroit, urging an immediate movement from the jurisdiction of the United States, as the civil authorities of the state, and the marshal's posse, were on their way down the river, with judicial writs, to arrest the leaders, seize the arms, and disperse the detachment, as being an expedition in contravention to the laws and treaties of the United States. Inasmuch as I had no command, I, with some others present, had determined not to participate, until we beheld the banner raised within British jurisdiction; and as procrastination would only serve to defeat the project, implicate us, and involve our cause in needless controversy with our own government, I advised and entreated an immediate departure from Gibraltar, and the occupation of Bois Blanc Island, which was within gunshot of Malden, and beyond the jurisdiction of the United States. I stated that a collision with the United States must be avoided; that the treaty obligations of our country would necessarily impel the

civil and military functionaries to suppress the expedition; that however zealous the men were in the cause, yet they could not be brought to combat with the legal process and authority of their own land; that it was *then* practicable to take and occupy the island; that the British had but a small force at Malden, chiefly militia; but, that every day's delay would increase their strength, and render the undertaking more hazardous; and that, as the individual indicated by the council at Detroit to assume the command, was still absent, and the emergency called for action, and forbade dispute, it would be better to permit Gen. Sutherland to have the direction of affairs until we had taken possession of the island, when the command could be changed, should they and their men continue dissatisfied. My opinions met the approbation of the majority, and I was requested to inform Sutherland of the conditional concurrence of the council with his propositions; and he readily embraced the command.

The next morning, bright and early, preparations were making for the embarcation; and Sutherland busied himself in the field of oratory, while his subordinates were actively engaged in the promotion of order and arrangements for departure. It was understood, that Gov. Mason, the executive of Michigan, (whose democracy prompted him to pray for the success of the cause, while the dictates of duty impelled him to counteract the effort,) was descending the river with a strong force; and haste was made to leave Gibraltar before his arrival. In this they were successful. The expedition pushed off for Canada, just in time to escape, and as the smoke of the steamboat, in which were Mason and the marshal's posse, could be discovered some miles up the river.

Having made my arrangements to follow as soon as they had crossed the boundary line, I left Gibraltar in a small boat, accompanied by a few friends,

and before the governor and his party had reached the wharf, I was bounding over the waves, at too great a distance to be perceived, and soon was safely sailing in British waters. I felt free and unrestrained, and as they had rendezvoused beyond the jurisdiction of my adopted country, in sight of the British force on the island of Bois Blanc, and had run up the flag of Canada, with hearty cheering, I reached and joined the expedition. The sun was blazing brilliantly in the heavens; all was animation; and I then felt an assurance that a prosperous termination awaited the undertaking. It was the anniversary of the victory of New Orleans, and Sutherland, whose lungs were certainly creditable, addressed the multitude, alluding to the day, the cause, and concluding with the poetic declamation, that the God of battles was smiling in the sunbeams, the sure harbinger of success. The boats pushed on to the attack of the island, said to be garrisoned by about three hundred men, Indians, negroes, and volunteer militia. As we advanced, it was discovered that the schooner Ann was drifting out into the lake; her sails and rigging, being hastily got together, were imperfect, and she seemed to be, as she really was, but little under the control of her helm. Her decks were crowded with men, and the few sailors who were on board, appeared unable to manage her. Sutherland requested me to take a small skiff, and go on board, and endeavour to bring her into action. I did so; and as I passed the island with the few young gentlemen who volunteered to row me out, we received the first volley from the enemy, and returned it with cheers, with no perceptible damage to either side, the balls of our assailants passing over us, and splashing in the water, far in our rear. The Ann, by this time, had drifted into the lake, and it occupied us some three miles' rowing ere we got on board that famous, but unfortunate vessel, whose fate was destined to constitute

an important event in my personal history. By tacking about, and taking advantage of the evening breeze, we were enabled to run between Bois Blanc and the town of Malden, and gradually force our way up to the head of the island. It was expected that the fort would give us a warm reception; and as the enemy seemed strong on the island, this running of the gauntlet with a rickety schooner, through a narrow channel, with a hostile force on both sides, not more than twenty rods off, was not either very wise or very pleasant; but, as the wind proved, and as our vessel was stubborn, no other course was left us to pursue, and obey the orders that had been given. There were two pieces of artillery on board, not mounted, but had been merely thrown on deck to be conveyed to the island. These we arranged for immediate service, by placing one on each side of the vessel, and making them fast by means of ropes to her quarters. We loaded them with canister, and prepared, as well as we could, for whatever might occur. Slowly moving closely to the main shore, we could observe the greatest excitement among the inhabitants and troops. The church bells were ringing; drums beating; officers galloping to and fro along the shore, and urging on crowds of people to repel the attack, which they, no doubt, believed our vessel was about making on the town. All seemed bustle and confusion. Among those on shore, I discovered a well-known signal given, known only to myself, that forbade any attempt I might then make at debarcation, had such been my intention, or consistent with the understanding of the prior occupation of Bois Blanc. The Ann lay on the opposite side of the island, from the place where I had left Sutherland and the main body, some hours before; and as the firing, which we had heard on our approach, had ceased for some time, and being ignorant of his movements, I concluded that he had landed and taken possession.

But I was mistaken. While we lay unoccupied in our position, anxious for a breeze to spring up, a boat brought Col. Dodge to us, with orders from Sutherland, to join him at one of the more distant islands in the neighbourhood, where the whole force was directed to bivouack for the night. This was mortifying intelligence. Bois Blanc had evidently been already abandoned, and the force concentrated at Malden. The scouts in skiffs, that had carefully skirted the island, had observed, as the Ann was ascending from the lake, many flying from the island to the main shore; and a change in the plan, which was known to the whole expedition before the departure from Gibraltar, was calculated to damp the ardour of the men. Bois Blanc was a commanding position, and could be made sufficiently strong, even by undisciplined men, to repel a force thrice the number of that engaged in its defence.— This measure of Sutherland's satisfied me of his unfitness to command, and created at the time the impression, that he was a blustering coward, which subsequent events confirmed beyond all doubt; and I have deeply regretted since, that I did not assume the responsibility myself, and, with the ninety men under Capt. Davis, and the crew of the Ann, take that evening the possession of the island, and which I could have maintained until the next day, when the whole force would have joined me. But I did not like, in my own person, to afford the first example of insubordination and disobedience. Col. Dodge was accompanied by Mr. Brophy, who had been designated, from his former pursuits, to occupy the post of engineer to the expedition. Both these young men came from the village of Monroe, in the state of Michigan; the former an American, the latter, by birth, an Irishman. Both were ardent, enterprising, fearless, and devoted to the cause. After indicating my compliance with the order, I expressed my determination to force my passage through the British

channel, and fight my way around Bois Blanc, rather than be obliged to tack about, which in the condition of the wind and the lateness of the hour, would employ me until midnight in reaching the quarters designated. On hearing this, both Dodge and Brophy eagerly requested to remain and share in "the sport." I had no objection, and after raising our anchor, we once more set sail. The men were well armed with muskets and bayonets, and chiefly composed of Canadian refugees, were possessed of an indomitable spirit, that preferred death to surrendering. I selected thirty of them, whom I ordered to lie down on the deck. The rest were placed below, ready, on the instant, to rush above, should necessity require. It was evening, and twilight was rapidly approaching. The wind was blowing fresh from the lake, up the river, but rather inclining to the Canadian shore. We preserved the silence of sleep on board. The lowest whisper could be heard. The helmsman steered directly towards the head of the island. As we neared the town of Malden, sailing quietly along, we perceived the wharf and banks lined with crowds of men, and could almost hear their breathing. They expected an attack, and were ready. I saw, however, beyond their rear line, unnoticed by all, either on board or on shore, the friendly signal, already mentioned. Some one in authority, in a loud voice, hailed us from the shore.

"Who comes there?"

"None of your business."

"What schooner is that? Are you friends or foes?"

"Look at our flag, and you will learn our craft and nation."

"Come to, then, or we will fire into you."

"Fire away, and be d——d. Who cares for you?"

This very interesting colloquy was interrupted by

a volley of musketry from a platoon, which effected nothing, but teaching some of us, who never had before scented a battle with gunpowder, the strange music made by bullets, as they cut the air in rapidly passing near and over our heads. The breeze had now moderated; and, as the current was strong and rapid, our upward progress was slow, giving the belligerents on shore time to reload and re-salute us, as we passed another street. Again, no damage was done, save a few apertures in our sails. We returned no other answer as yet, but a hearty cheer and a roll of the drum. Still perseveringly wending our course up stream, a third volley was poured into us, from a wharf at a cross street, where, from the direction of our vessel, it seemed likely we were intending to disembark. The men on board were eager, now, as we could see the very eyes of our assailants, to return their salutes.

"Damn it, general, let us give them a slap.'

"Steady, men, and silence. Wait for your orders."

I perceived, as we were drawing near a place called the "Queen's Wharf," a detachment awaiting us; and, at a short distance above, the Lilliputian steamer "United" (employed usually at the ferry between Detroit and Windsor, and belonging to one Davenport, of amphibious citizenship, whose business leads him to alternate between the duties of a subject and the pride of an American citizen) stealing out from the shore above the town, evidently designing to interrupt us, and intercept our passage around the island. We received, therefore, the fire from the party at "Queen's Wharf," desiring to reserve ourselves for the steamer. This salute told. One man was struck in the side, and disabled; and another wounded by a side shot in the mouth, extracting two of his front teeth and a portion of his upper lip. Blood once shed, stimulates the passions, and rouses the wolf in manhood. The men were

muttering their impatience in curses; and, as our vessel was now in a position to bring one of the guns to bear directly upon the crowd on shore, I gave the word, and let slip this "dog of war." A moment before, the enemy on shore had cheered, as they saw the steamer move out from her hiding-place, sure of our capture. They cheered no more that night. Our missiles had either spread havoc or fear. There arose a scream of agony, and all was once more quiet. They troubled us no more that night, and deemed it best to preserve a respectful distance. We struck up Yankee Doodle, and prepared for the steamer. But our salute to the "Queen's Wharf" most mysteriously altered the course and designs of the steamer. With all possible speed, she wheeled about, and made up the river. On turning round, one of her paddle-wheels, so great appeared the consternation of those who managed her, was permitted to back water, wheeling her round, so as to enable us to bring our other gun to bear upon her deck; which being perceived, she plied all her steam, and hastened out of reach, to our great amusement; and we followed slowly after, as if in chase, but only with the view of turning the head of the island. We sent, or rather wasted one or two shots after her, which hastened her speed; and she made the shore some distance above, at a place called the "Lime Kiln;" and her crew and volunteers betook themselves to the woods. We soon turned the head of Bois Blanc; and in a short time discovered, by the watch fires, where Sutherland had bivouacked; made it, and landed near midnight.

CHAPTER XI.

The capture of the Schooner Ann, and fight at Fort Malden.

The encampment was shelterless and comfortless. The general had his head-quarters in a log shanty, but the men, with their arms piled up around, were gathered about the fires; some stretched upon the earth, others warming themselves, and a few cooking provisions; but all in the open air. The night was extremely cold; and yet, though destitute of blankets, and the necessary camp equipage, mirth and merriment prevailed, and the spirit of the expedition was unsubdued. After formally reporting myself, there being no accommodation on shore, I was ordered again on board, and to keep watch for the enemy. Bad as were the quarters on board the schooner, still the encampment was worse; and, after discharging her freight of barrels of provisions and boxes of arms, and leaving on shore the greater part of the men, we again weighed anchor, and gently cruised in the neighbourhood of the detachment on the island. Dodge and Brophy, with twenty men under the command of Davis, and a faithful French pilot at the helm, and the crew of the schooner, constituted the whole force.

Cruising about all that night, we ran up and down both sides of Bois Blanc, without any interruption from our enemy, who seemed to have retired to a repose necessary to all, in peace or war, but which at this time was denied us. Near morning, as the breeze freshened up, our frail bark became unmanageable, resulting as much from her make and very imperfect rigging, as from the paucity of the nautical skill of our wearied crew; we ran aground on the lower part of the island, near the British light-

house, and after much difficulty succeeded in getting afloat. Had there been but a few men posted here, every one of us might have been picked off with the greatest ease. But our security and preservation evidently resulted from their having completely abandoned the island the evening before. That we might then have triumphed, was equally clear, from the evidences they left behind them, of their hasty flight and trepidation. In their hurry, they had deserted their suppers untouched, their colours and camp equipage. As daylight dawned, we were laying off the head of the island, directly opposite the fort. As soon as perceived, the garrison commencing firing upon us: the compliment was returned, and the exchange of salutes continued for some time, without any perceptible damage to either side. We were new hands at this kind of business, and our fellow-creatures at the fort either were very poor marksmen, or mercifully reluctant in the shedding of human blood. On discovering that Bois Blanc had been evacuated, I sent word to Sutherland, and about ten o'clock, on the morning of the 9th, he crossed over from his encampment, with about ninety men, in scows and skiffs; and as they made but poor headway in this kind of water craft, we went to their aid and towed them to the island. The Ann took position between the island and the main shore. Wearied with the exertions of the past night, and with sentinels posted to give the alarm when necessary, we embraced an opportunity for repose, while the men on the island were busied in making preparations for defence, or such offensive operations as might be rendered favourable by approaching events. Toward evening the wind had risen, and blew directly on the Canada shore. Orders came from Sutherland, directing my attention to a craft, which he apprehended might be used by the force at Malden, for a transportation to the island, and in case of the movement being attempted, desir-

ing that we would sink her. We again weighed anchor, and the sailing master believing that he could pilot the Ann, in the gale that was then blowing, to the foot of the island, we once more made sail under rather unpropitious circumstances. As we neared the town, volley after volley was poured into us with considerable effect, and with more skill than the night before, and with the manifest cruel determination of sacrificing life. It was no boys' play now. Many of our men were wounded, and considerable damage done to the rigging. Captain Davis, who was holding on to the anchor, was shot in the wrist and groin, of which he afterwards died, and away went the anchor. The enemy aimed with fatal precision at the helmsman, and he fled below, leaving the boat to her own will, and as the down-hawls had been cut away by the shot, the sails could not be managed. Unskilled as mariners, confusion reigned among us; and the schooner drifting with the ice, we were in a few moments aground on the main shore, our deck presenting an inclined front to the irritated and triumphant marksmen of the enemy. Dodge, Brophy, myself, and a few others, determined to sell our lives at as dear a rate as possible, and still hoping that the force on the island would come to our rescue, maintained for a while our position on the deck, and with much labour brought our cannon to bear upon the shore. Another volley, and a rush to board us. The moon was shining bright, and we were easily seen and marked by their riflemen, while they were concealed behind the fences and the trees of an orchard close at hand. Dodge was wounded in the eye, and fell, as I then thought, dead at my feet. Brophy was soon after disabled by a wound. A little boy, a Canadian refugee, engaged in bringing us loaded muskets, was killed in the act, fell overboard, and his body found on shore the next morning. All around me were soon disabled. The little time I had to think disclosed my probable fate, in case of

surrender. No other alternative seemed left, but a preferable death on the spot; and in the act of discharging the gun myself, I received a blow on the head that felled me to the deck and down the hatchway to the hold. Stunned and senseless, I was dragged out by the victors, and placed in custody for future disposition. On recovering, I found myself and others in the charge of Lieut. Baby, who protected me from insult, and who was aided in this manly duty by a Captain Ruydger, and Colonel Ratcliffe, the latter saying in my hearing, that we were prisoners of war, had conducted like brave men, and must not be abused, but be handed over to the proper authorities for judicial treatment. I was taken to the hospital, to which had been previously carried Dodge, Brophy, Davis, Anderson, Smith, and Thayer, all seriously wounded. After experiencing much cruel and unmanly treatment, and robbed, or, to speak according to the circumstances in which I was placed, a prisoner of war, deprived of my watch and money: my wounds were dressed by myself, aided by a poor Irishwoman, who kindly brought me water. Fatigued in body, and weak from loss of blood, nature and a strong constitution came to my relief. I stretched myself upon the floor, and enjoyed a refreshing and invigorating sleep, from which I was awakened by a kick from the valiant John Prince, who had hurried post haste to Malden on learning our capture and defeat. His friendly salute aroused me. He was armed to the teeth. A brace of pistols and tomahawk graced his girdle: on his back was slung a double-barrelled gun, a long cavalry sword dangled at his side, and a wide mouthed blunderbuss in his right hand; his whole appearance betokened triumphant malignity and determined vengeance. I had raised myself from my recumbent posture, and was reclining on my elbow, when I perceived that this hero was again about to inflict upon me another assault with his foot; but, as I sprung up rather quickly, the man-at-arms drew

back, and ordered the Indians who had accompanied him, to seize and tie me. In my weak and exhausted state, I could make no resistance, and had to submit. Prince then approached Col. Brophy, and with a light examined his features, suddenly exclaiming,

"Ha! Monsieur Dufort, have I got you too?"

"My name is not Dufort," responded Brophy.

"Indeed, eh! we will soon see." Then pulling from his pocket a small book, which contained a description of Dufort's features and person, furnished probably by some of his spies in Detroit, he began scanning that and then Brophy, who eyed him very coolly, till muttering to himself, and evidently pleased, he smilingly said, with an effort at sarcasm, "Well, Monsieur Dufort, since you are to be incognito, and do not wish to answer to your real name, will you condescend, sir, to tell us by what name you wish to be designated?"

"I have told you once, sir, that my name is not Dufort, but you will probably find me as good a man."

"Oh, very well, monsieur, very probable; will it please you, sir, to get up?"

He next examined Walter Chase, whom he thought to be another Canadian, for whom a reward had been offered by the government. He then ordered us to march. The doctor begged he would not send us from the hospital that night, as he could not be answerable for the consequences, if it was done.

"Pshaw! I shall take them to the fort. You need not trouble yourself as to the ill effect it may produce on their health, as I shall hang both the Yankee brigands in the morning."

We were unable to walk, and told him we would not—that he would have to carry us; and as for the hanging, it was our humble opinion, despite of the magnitude of his power, that we should both have

the honour of attending his funeral first. We were dragged out; but before we did go, notwithstanding the threat of Prince, and the wild looks of the Indians, the poor woman made her way through them, and furnished us with the best drink she could find, and the best beverage for us, some vinegar and water.

"Who is this woman, who makes herself so officious?" demanded Prince of the doctor.

"Is it me you mane, Mr. Prince? in troth, you needn't be after troubling yourself axing a thing that every jintleman and lady in town can tell you: and do you take a poor body's advice; don't be taking too much this night, and be doing what you oughtn't to do; for sure, them are bould men, and have their friends:" and away walked our friend.

We were then thrown into a cart, to be conveyed to the fort; and when about halfway, the cart stopped, and Prince went into a house, where he remained probably a half-hour, leaving us sitting there, (and myself without hat or cloak, for he would not allow us time to bring any thing from the hospital,) exposed, our clothes wet, and the air intensely cold; and amid the jeers and taunts of all the negroes, Indians, and tories, who crowded around us, with their flattering encomiums on the American nation in general, and the city of Detroit in particular. Prince came at last, and as we moved towards the fort, the driver asked if he was to go where the other men were taken.

"No, no; to the black hole!"

Prince and a blackguard-looking fellow entered and examined the premises, to see, he said, if it was strong enough to keep us until morning, when he would contrive to get rid of us. We were then taken into another, one by one, and again examined, being stripped almost naked, to see if we had any concealed weapons; and again my pocket underwent a still more rigid examination. Some small

change was found, with a gold piece and a snuff-box, gold pencil-case, and a small pocket-case of surgical instruments, together with a small box of percussion caps for my pistols, and some other small matters. These soon changed owners; Prince taking charge himself of the valuables, and handing over the caps to the provost marshal, to be used as evidence of my hostile intentions.

Colonel Brophy next followed; but having some idea of what was going on, contrived, in a manner highly creditable to his ingenuity, to secrete his wallet, containing about seventy dollars.

Poor Chase, having no watches, had been at first too well fleeced to give any further trouble; so we were locked in the black hole, where we quartered on the floor, seats being too great a luxury. Here was a fine place to philosophize on the change which had come over the spirit of our dream, and console ourselves with the reflection that we had performed *our* duty, and if they would hang us in the morning, others would be hung in retaliation. It was rather a poor consolation; but having embarked in the cause with a full knowledge of the consequences, we concluded that we had no business to complain, and determining that our conduct should be such as to neither disgrace ourselves or our country, we fell asleep.

The sufferings of that night can never be effaced from my remembrance, although it was but the prelude to months of what ordinary constitutions would have sunk under. Lying in a dungeon, about ten feet square, with our clothes before wet, now a solid sheet of ice, on the cold floor, without cloak, blanket, or covering, in a night called the coldest of the season; fatigue and numbness brought on sleep, from which when I awoke, I found one of my comrades insensible, I feared dead. However, with much difficulty, Chase and myself, by dint of rubbing and chafing his limbs, restored him to animation; the

pulse began to beat, and we were rewarded for our exertions by seeing him restored to life. In the morning the jailor opened the door and threw us in a small loaf of bread, which had lain as a sign, probably, in some bake-house window, for months. We asked for water, which was refused.

About noon the surgeon visited us, and with him the commanding officer, who inquired of him whether we were "able to undergo the journey." He answered that he thought not; when we asked "where to?" and were answered, "Sandwich, or London." We flattering ourselves a rescue might be effected, I told him I was able to undertake any journey to get out of the infernal hole we were in. He then said they were every moment expecting an attack, and he should be obliged to send us off to have us out of the way. I asked leave to write to my family, to satisfy them I was alive, to which he assented, and directed that we should start as soon as teams could be provided and a guard detailed. I then asked him for my cloak, hat, and to be allowed to have a change of linen out of my trunk, to which I believe he would have consented, but the other officers of the militia and magistrates would not; they had already plundered them, confiscated them as a prize, and converted them to their own use. An individual present, whom I had often befriended in Detroit, brought me a cap, for which I gave him a check for its value on the State Bank of Michigan, not wishing to take it from him as a gift, from expressions I had heard him make the night before.

All things in preparation, we were tied with ropes around the body, and then together, two and two, again making on this occasion Brophy and myself twin brothers in affliction, and then thrown into the bottom of a waggon, amid the rejoicings of the motley assemblage of all colours, of which Malden is composed. There were ten waggons. Two tied together in each, and four of their volunteers, with

loaded muskets and fixed bayonets to guard each. There were but fifteen prisoners, therefore in our waggon were placed three, leaving three waggons full of soldiers, with an addition of twelve of the St. Thomas volunteer cavalry to ride along side and go ahead as scouts.

It was three o'clock before all was ready, when the scouts came in and reported the route was clear. The word was then given to march, with injunctions that on the slightest appearance of the people rising to rescue us, to put us instantly to death. And with this consoling remark we bade adieu to Fort Malden.

CHAPTER XII.

From Malden to departure from London.

THERE is nothing but *ups and downs* in this life, says the vulgar adage. Our journey in open waggons, without even straw to recline upon, over the frozen ruts of the most execrable of roads, enforced a lively sense of its truth.

Whether they were afraid of our rescue, I cannot say; but they hurried us forward through by-roads, during the whole of the first night. While they stopped for a relay of horses, I was somewhat pleased to discover, that the officer who had charge of the escort was an individual who had formerly resided in Detroit, and indeed had only left that city a few weeks previous. With this man I had always maintained the closest terms of intimacy and friendship. He had for a considerable period studied his profession in the office of my deceased partner, the late Dr. Fay, and the most friendly relations had always existed between his father-in-law, Judge

McDonald, and myself. These circumstances alone might naturally induce the hope, that where the duties of his new office would allow, he would have been disposed to exercise some moderation towards me individually. I had frequently befriended him. I had thought it my duty to aid a young man struggling forward in his profession, particularly one who had been the pupil of my friend. When extravagance had involved him in pecuniary difficulties, my purse and word saved his little furniture from the grasp of the sheriff. Discarded by his father-in-law, who would no longer maintain him as a pensioner on his bounty, I had for months saved him from literally starving. He had therefore always considered me his stanchest friend. I congratulated my comrade and myself, that we had fallen into such good hands. But far, very far, was I mistaken. I had reckoned without my host. This most ungrateful wretch, this Dr. Breakenridge, the son of an old revolutionary tory, who had fled from the United States during our struggle for freedom, and settled in Canada, was well worthy of his sire. Instead of extending to me any kindness, he went even beyond the instructions of his employer, Prince. Had we been the most degraded of our species, he could not have treated us worse. Every insult, every indignity which the most dastardly malignity could suggest, he continued for three days to inflict upon us, until his own men, disgusted with his brutality, became mutinous, and threatened that, if he did not desist, they would bayonet him on the spot. Although we were unarmed, surrounded by a guard of forty-five armed men, and bound so strictly, that they were forced to lift us in and out of the waggons, with limbs benumbed by the tightness of the cords, yet this cowardly wretch feared to approach us even in this condition without his loaded pistols in his hands. With threats, the coward's weapon, he was ever ready: he even had the unmanliness to strike

one of our men with his sword, for want of activity in descending from the waggon.

We had suffered much in silence; but when he attempted to repeat his blow upon a man benumbed as much by his age as bonds, I could no longer endure it. I spoke: our eyes met. He cowered beneath my glance. "Raise but your arm again," I cried, "and, unarmed as I am, you will find cause to repent it." Exclamations of shame! shame! from the soldiers, who, poor duped wretches as they were, had some remaining sparks of human feeling, compelled him to desist. When we stopped at night, such marked dissatisfaction prevailed among the guards, that the officer next in grade had to take command of the escort.

At every place we stopped, we were huddled together in a single apartment, with a guard, generally six, within the room, and a sentinel on the outside, at every window and door. None were allowed to speak to us. When provisions were given to us, we were deprived of the use of a knife, lest, armed with that, we might rush upon our guards, overpower them, and make our escape. The people of the houses at which we stopped, were treated in the most ruffian-like manner. Every thing that was wanted, was seized upon, without the slightest apology. In a tavern, if the bar was closed, it was broken open, and whatever they demanded, distributed among the men. They were compelled to provide food for all—grain for the horses, in short, every thing: though the poorest family was thereby deprived of their last morsel, it was taken in the queen's name. A receipt was given to the poor landlord for payment; and, as the persons keeping houses of entertainment were generally reformers, it seemed to be considered as only quartering on the enemy. None dared refuse: if they did, it was taken by force; and although, at that time, it was dangerous to murmur, yet there were still found

some spirits bold enough to dispute the right of these loyal robbers, to take the bread from the mouths of their children. Such, however, without the forms of law, were hurried to prison, as *disaffected* persons; where they remained, without chance of redress, until, by a sacrifice of property, they could induce some influential tory neighbours to interest themselves in procuring their liberation. Incredible as this may appear, many such instances came to my own knowledge, and, indeed, occurred under my own eye; some of which will be detailed in their proper place.

After a tedious journey of five days, and I may say nights, through a country which, notwithstanding the season, and our forlorn situation, attracted our constant admiration, by its singular beauty, we reached the apparently flourishing village of London, on the river Thames.

Our route had been, for the most part, on the shores of the lake, through unfrequented ways, and along the valley of that stream. The wilderness had only been invaded here and there, at long intervals, by the hand of cultivation. Yet the variety and beauty of the scenery lured our minds from dwelling upon our condition. We occupied ourselves in picturing the contrast which a land so favoured by nature would present, in the hands of a population free, independent, and enterprising, like our own. Our future presented no pleasing prospect. We cheered ourselves, however, with the hope, that we might yet see the day, when its colonial vassalage should give place to a free and independent state—when the swarm of petty officials, who devoured the substance of the oppressed cultivator of the soil, would be swept away in the progress of republican institutions—and when the forests should become cultured fields, whose fertility would reward the labour of the independent husbandman. Many a weary mile was soothed by reveries like

these; and if we occasionally recurred too painfully to our situation, some new or striking feature of the landscape would divert our reflections and again lull us, for a while, into forgetfulness of our misery.

As far as we could judge, the inhabitants of the country, and of the little villages where they crowded to see us pass, did not view us as enemies. Commiseration was marked upon their countenances; and often did we see the tear trickling down the cheek of women, who could not refrain their feelings at the severity of our treatment by those whom they considered the "enemies and oppressors of their country." Many a low muttered prayer could we hear offered for our deliverance; and curses, not loud, but deep, on the brutality we experienced.

On arriving at London, we were taken to the jail, which was strongly guarded. From the numbers which crowded to the grated windows, to catch a glimpse of those who were to be their fellows, we perceived that the prison was crowded. After being conducted into a portion of the building which we conjectured to be the court-room, we were counted over, and delivered up to the commandant of the place.

The commitment of the board of magistrates of the western district, at Malden, was accompanied by a private letter from Prince to Colonel Askins, in which I was honoured with a particular notice. From the treatment I had already experienced from that being, the reader may conjecture that his remarks were not calculated to meliorate my condition. We were marched down to the cells, which constituted the lower part of the building, appropriated to the worst class of felons. After being unbound, I was taken out of the cell in which I had first been placed, that I might be separated from my friend Brophy. This was indeed a severe trial of my fortitude. He was the only one with whom I could have a feeling in common. A gentleman of

firm mind, cultivated intellect, and congenial sentiments; with his companionship and conversation, the tedium of long days and nights, shut from the light of heaven, would in some measure have been alleviated. It was one pang the more. I was thrust into a small cell with three others. This cell was about seven feet square; and in that narrow space were confined four human beings. The only ventilation was through a small diamond-shaped hole in the door, through which the scanty fare which the prison rules allowed was handed to us.

The only place for relieving the calls of nature was a corner of our cell, and for many days and nights together we endured the suffocating odour of its fetid exhalations. Day and night were undistinguishable to us, except for a few hours of the afternoon, when the descending sun would cast a slanting ray through the grated window of the corridor, which formed the passage between the double range of cells; or when the jailer or assistant would come his rounds with a lighted candle, to distribute our daily bread. Occasionally, as the prison became very crowded, and all were employed, the jailer's wife would take his place in supplying our wants, and hand our food through the hole in our door. True to the compassionate nature of her sex,—the elevated trait of her character in all times, conditions, and countries,—she would leave me a piece of candle, and sometimes let me have a book, to while away the time. For the most part, however, we were doomed to darkness; and though we could not see each other's faces, we strove by conversation to cheer each other, and mutually endeavoured to sustain the sinking hopes and spirits of his fellows. Every day we expected to hear of an attack upon the place, and our consequent deliverance. One of the prisoners prided himself upon being an infallible expounder of dreams; and as the rest had little else to do but dream, they kept him employed in their

interpretation. One peculiarity of his system deserves mention. No matter what the subject of the dream, it always was auspicious, and a token of a speedy deliverance from captivity. What men desire, they readily believe; and when I discovered the faith which some of them had in their dreams, I encouraged the delusion; and the good hopes which the interpreter excited, realized my expectations, kept them from sinking into despondency, and preserved their health.

Reports arriving of some new attacks, more leniency was extended to us. For the benefit of our health, Col. Askins allowed us the privilege of walking in the corridor. Some of the volunteers who had been present at our capture, had now reached London. They magnified their prowess in the contest with such desperadoes—detailed the progress of the affair—the manner in which we had fought—the bravery we had displayed, and, of consequence, their claim to superior valour, in our defeat and capture. Nearly fifty of them claimed the honour of having been first, or second, in boarding our "man-of-war." The curiosity of the inhabitants was thus excited to see us; and the colonel commanding, having a room, as an office, in the same building, Col. Brophy and myself were frequently invited up from the cells, under the pretence of allowing us to breathe a purer air. The real object, however, was, that the aristocratic portion of the population—the friends of Col. Askins, of course—might be gratified by a sight of us. Many of them were old officers on half-pay, and, consequently, high tory in feelings and politics. It is due to them, however, to declare, that from them I never received the slightest mark of disrespect or insult. They seemed to consider me as a foe, but as a fallen one, and as such, inviolate from contumely. Any thing they could do, consistent with their honour, and the duty they "owed their sovereign," to alleviate my condition, they freely proffered. When-

ever I met a British officer, of the regular service, I was well treated. They were desirous, they said, to see Col. Brophy and myself, of whom they had heard so much, that they might be able to tell their families at home, that they had seen us. I easily perceived from their remarks, that rumour, with her accustomed truth, had painted us in colours in which it was difficult to recognise ourselves. Friend and foe had conspired to give us an eclat, to which we had no title. The first, to show that their friends were men of undaunted character; and the latter, to exalt their prowess, and their claim to the gratitude of their country, as its brave defenders.

A special commission had been appointed in each district. As the jails were becoming overcrowded, it was designed to facilitate the commissioners, on discharging those whom they should judge the least implicated.

The prisoners were called before them, and questioned upon the part they had taken. When brought before these commissioners, they went through the form of warning them that it was not necessary for them to commit themselves in their answers. They declared that the government had appointed them to make the necessary examinations, but that they compassionated their situation. They therefore urged them to confide in them, as neighbours and friends, their share in the business, and the motives which had induced them to engage in it. They insinuated that many charges had been sworn to against them, which they were unwilling to credit, but which, they regretted to say, in the present state of the public mind, were sufficient to hang them. The governor, they declared, was desirous to liberate them, and allow them to return to their families. Assurances were made to them, that if they would reveal the names of those who had instigated them; confess all they knew; acknowledge their guilt; and promise to return and remain quietly at home, they

would immediately be set free. Many, by these artful means, were lured to their destruction.

Some had been thrown into prison upon mere suspicion, without a tittle of evidence. These were put to a species of *indirect torture* to extort confessions—a method so abhorrent to every principle of justice and humanity, that it deserves to be held up to universal execration. They were thrown into the dungeons of the prison, and deprived of food for days together. One of these commissioners, acting upon the lessons of the familiars of the Spanish inquisition, would descend thither to console them with sympathy and assurances of friendship; abuse the jailer for treating this friend and neighbour with such cruelty; and, promising to use his interest with the commissioners to procure their liberation, leave them. After a few days, the poor husbandman, bowed down in mind and body by unaccustomed confinement, is brought out, and led before the honourable commissioners. His pretended friend is at hand, to whisper in his ear that the proof against him has been too strong for his influence; that his only hope is to conciliate the commissioners by a full confession, and by answering, without reserve, every question propounded to him—if he would act with this advice, he might possibly save him.

Entrapped by such accursed acts, the poor prisoner would frequently admit his guilt, and, unconsciously, perhaps, compromit his neighbours. The clerk, in the meantime, has written down his confession, which he is induced to sign, to be sent as an evidence of contrition to the governor, under a probability of pardon. Thus a weak-minded few were led to betray their compatriots. The conviction of those being most eagerly urged, who had valuable property, the confiscation of which would repay the loyal gentry for their devotion to the cause of their most *gracious* majesty.

The names of the magistrates acting under special

commissions for the London District were Messrs. J. B. Askins, Lauraison, Givens, and Cook.

With Col. Brophy and myself, who were separately examined, they took a still more artful plan. They expressed a sorrow that so painful a duty had been imposed upon them. We were gentlemen, they had heard, of standing and property in our own country. Duped and misled by a feeling of philanthropy, we had embarked, generously they must admit, in aid of a people, whom we had been induced to believe were struggling for liberty. The base cowards who had led us into the snare, had deserted and betrayed us. The governor was averse to punish us, and only sought the opportunity to manifest to the American people, with whom he wished to foster feelings of amity, that they were strong enough to protect the country from invasion. He was anxious to display his generosity by giving their liberty to men who had bravely but rashly joined the insurgents against their government. All he desired was, that I should make a plain statement of facts, to be laid before his excellency, Sir Francis Bond Head. They were confident that on my compliance an order for our liberation would be received, with such conditions as men of honour could freely accept. Sir Francis was incapable of exacting any thing which was not strictly honourable. They regretted extremely the unfeeling manner in which we had been treated, and none could deprecate more than they did, the harsh conduct of the people of the western district. They hoped, that when we returned to our homes, which they had every reason to believe would be without delay, we would refrain from creating a prejudice among our own people and against their country, for the faults of a few men, who had grossly erred, in supposing that the governor would sanction such proceedings, et cætera, and so forth.

In reply to these insinuating arguments, I declared

that I was utterly at a loss to imagine the character of the statement they desired me to make. As far as I myself was individually implicated, I was willing to inform them. Any questions they thought proper to ask, if consistent with my sense of honour, should be fully answered; further than this, I presumed they would not expect, and further I would not go. They knew that I was taken in arms, and I supposed that was sufficient; this they would have no difficulty in proving in the event of a trial. Of all this, they replied, they were perfectly informed, but they wished me to detail, for the information of his excellency, every thing connected with the invasion. For example, how far we had been countenanced by the government of the United States, and of the state of Michigan? What had been done to further our designs, and what had been the inducements under which I had acted? Who were the persons that were to have joined me in Canada? Through whom was I in the habit of communicating to the officers among the French, a brigade of which they understood was to have been a part of my command; and was it not a person in Malden of the name of Sloane?

In reply, I repeated, that so far as I myself was concerned, I cared not to speak. But lest they might misinterpret my silence, I would inform them, that, to my own knowledge, the United States government rendered us no aid, but, on the contrary, were opposed to our undertaking. That neither the governor of Michigan, nor any of the state officers, as such, had rendered us in any manner the slightest assistance. That I unquestionably possessed means of communication with that portion of the French and Irish population, which I was designed to command: that I was not at liberty to make disclosures, nor would I make any upon this point. Mr. Sloane, the person whose name was mentioned, I said, I did not know, but had seen him in Detroit, and that he

was there considered a tory. They looked at one another, and gave a cunning smile. It was then inquired of me, whether I would be willing to write a letter addressed to the people of Michigan, or append to a letter, which had already been written by another, my approval of the statements therein made, namely, that the people of Canada were averse to our interference, and manifestly loyal and devoted to the existing government. This I declined, on the ground that no opportunity had been afforded me of communicating with any one, except in the presence and with the consent of the guard composing our escort. Such as were of unquestionable loyalty alone were allowed this privilege, and that, except with the guard themselves and a few officers, I had conversed with no one since I had been driven upon their shores. That my own motives of action, as appeared from their remarks, were well known, and that there was no necessity of committing them to writing.

The replies of Col. Brophy, to similar interrogations, were of like import.

They then proceeded with the examination of our men; but obtained no information beyond the occurrences which had taken place on board the schooner Ann. The following dialogue took place on the examination of one of the men.

"What induced *you* to join the patriots?"

"I heard bad stories of your treatment of the poor refugees, and, God knows, from what I have myself seen, I believe they are true: you are a bad breed, and the sooner you are driven off to England the better for this country."

"But what inducements were held out to you, to leave your own home to aid these refugees? Surely it was not a love of fighting, merely?"

"Not altogether; partly that, partly the three hundred acres of land, and the hundred dollars in specie, offered by Mackenzie, as a bounty to those

who would volunteer. These, together, were inducements enough, I think, these hard times, to make any man fight."

"Were your officers, think you, incited by the same views?"

"Officers? why, I think not, I guess it was pretty much for the fun of it."

"Was that, in your opinion, sufficient?"

"Why, I think it was for them, as they were well enough off at home; but they wished to have a lick at the British, just to pay them off for what they had done in old times, against our people. Lord bless you! only wait till spring comes, and you will see forty or fifty thousand come on from Ohio and Kentucky, just to try their rifles on the red-coats."

Thus ended the curious colloquy, as they found that nothing better could be obtained from him.

During our imprisonment, we were visited by some of the officers of the 32d regiment, who, on their route to Malden, stopped a day or two at London. They had been engaged in the affair at St. Eustache. One of them, a fine looking veteran, in answer to my question, whether the Lower Canadians were cowards, as reported by the loyalists? "Cowards," said he, "cowards! Sir, I have been in the Peninsular campaign, and seen many sanguinary actions, but none I have ever witnessed, compares with that of St. Eustache. The Canadians cowards!" repeated he, with indignation, "they did not fight like *men*, they fought like *tigers*." I then inquired of him whether Dr. Chenier, who I informed him had been a fellow-student, had been in the action. "He was, sir," he replied; "he died fighting like a brave man. He deserved a better fate than to be inhumanly mangled as he was by the cowardly militia, who skulked during the action, but when the danger was over, displayed their barbarity, in mutilating the corpses of those brave but deluded men, who thought they were

doing right, in fighting for what they considered the liberties of their country."

Such sentiments, from the lips of a person wearing the livery of her majesty, not a little surprised me. But from a better acquaintance with the officers of the British army, I became convinced, that they had no share in the rancorous feelings which infested the bosoms of the loyal militia officers, against the suffering Canadian patriots. This old soldier bore the scars of honourable warfare. As a brave man, his indignation was naturally aroused, at the indiscriminate plunder, burning, and merciless massacres, perpetrated by the infuriated loyalists.

His name has escaped my memory, or I should be happy to record it to his honour, as well as those of the officers of his corps, who were with him, and who coincided in the sentiments he expressed.

CHAPTER XIII.

From London to Toronto.

Ten days had now elapsed since our arrival at London, when, in consequence, I believe, of a despatch from the governor, we were ordered to Toronto. As the season was cold, and we were destitute of the clothing necessary to our comfort, some preparation was requisite for our journey. Col. Brophy and myself prevailed upon the jailer to purchase what we needed, for which the merchant consented to receive a draft on our friends at home.

On the same day, we formed an acquaintance with a fellow-prisoner who was rudely thrust into our cell. He was a very intelligent young English merchant, named Charles Latimer. He had been seized on

suspicion, his store rifled, and its contents given up to the soldiery as common plunder. This gentleman informed us, that he was a native of Oxford, England, and, I think, a graduate of the University there. He had been settled for some years in Canada, when his ardent advocacy of the cause of reform had, of consequence, marked him out for the vengeance of the tory gentry of London. He had been anxious to see us, and inform us of a plan which had been arranged for our rescue on the route to Toronto. While despairing of any means of communicating with us, the opportunity occurred in a manner the most unexpected. He was himself ordered down for examination. Being well advised of the mode in which others had been duped by the pretended friendship of the commissioners, he was prepared for their snares, and declined any reply to their interrogatories.

As a punishment for this alleged contempt of court, he was thrust into the dungeon which we occupied, to render him more tractable. He was thus enabled to inform us of the plan proposed for our rescue, and to advise us to be prepared for the attempt. The project, however, was defeated, by accelerating our departure a day sooner than that which had been announced. Though our acquaintance had been short, we parted with this young gentleman with great regret. His highly cultivated mind, and general intelligence, were well calculated to beguile the tedium of imprisonment. The hope of escape, however slight, greatly consoled us.

When about to depart, I seized an opportunity to say to Col. Askins, in presence of some of the regular officers, that I hoped he would not treat us with the indignity of binding us, which he had so strongly deprecated in the magistrates of the western district. He looked at the other officers, and after a few minutes' silence, replied, "I think there is no necessity for it." "Most certainly not," responded one of the officers; "a company of sixty men is

surely enough to guard fifteen prisoners, without that." About noon the waggons were ready, and marching us out, they placed two of us in each, guarded as before. Capt. Stuart, the clerk of the special commission, was the captain of the guard, with Lieuts. Monserrat and Askins, the son of Lieut. Col. Askins. The colonel himself, commanded the squad of cavalry which he thought necessary to accompany us. Although our departure was not publicly known, the populace turned out to see us; every house, window, and piazza, were crowded with ladies, many of whom were dressed on that day in the "rebel green." They waved their handkerchiefs, and muttered prayers for our speedy deliverance. The men were not so bold. They looked upon us as doomed men. They feared for themselves, and that the boldness of their wives and daughters might be watched and reported to the official minions, and they, in consequence, punished, and their property destroyed, as belonging to disaffected persons. We bowed, and smiled, and chatted, as seemingly indifferent as if we had nothing to do with the matter, which, I perceived, mortified our tory guard. After an hour or so, remaining in the streets, sitting in our waggons, the word was given, and we moved on, amid the good wishes of at least five-sixths of the persons present. During the day, both officers and men treated us with a degree of kindness, which made us augur well for the future. Col. Brophy and myself messed with them, and we strove to forget we were prisoners. Lieutenant, or, as he was familiarly called by the men, Johnny Monserrat, was a most facetious Irishman, who had left Ireland with considerable wealth, and settled in Canada. His good dinners and jovial character, made him a universal favourite. An Irish Orangeman, he was, of course, of the high tory school; but politics, or protestantism, troubled him but little, and after the first day's journey, we be-

came great friends. Perceiving how unpleasant to me were the prosy conversations of Stuart,—the burden of whose communications were, the property he had already acquired, and the additional number of good farms, by rebel confiscations, he expected to obtain, through the influence of Lieutenant Colonel, now Sir Allen M'Nab,—Monserrat told me he wished me to ride with him, and that if I asked the colonel, he knew that I would not be refused. At our next halting-place, I said to Col. Askins, that I was about to ask his permission to ride in the other waggon; that Lieut. Monserrat had bribed me with the promise to tell me twenty-three good Irish stories, and that if he would allow me the gratification, I would esteem it as a favour. He consented; and I found no reason to regret the change. The lieutenant's object, however, was not to amuse me with story-telling, but being of a frank and high-minded disposition, he designed to put me upon my guard against the crafty plans which others had laid, in the hope of inducing us to commit ourselves. From the intimation he gave me, and the observations I was enabled to make, their object soon became apparent, and I governed myself accordingly.

As we passed through this beautiful country, some of the richest and most eligible farms were pointed out to me as the property of rebels. The owners of many a fertile and well-regulated estate, with comfortable and even splendid houses thereon, were at that time refugees, not a few of whom were living in Detroit, when I had left, dependent upon our bounty.

According to my informant, who was not inclined to speak very favourably of those whom he styled rebels, the reformers constituted two-thirds of the population of the London district. They were, he said, all farmers, and among the richest and most comfortable people of the province. "But," continued

he, "they must take up some of your Yankee notions, and talk of freedom instead of minding their ploughs; and you see what has come of it. Their children left destitute, and their property given to some good jolly dog of a true Briton, who will give a good dinner, draw a good cork, and keep a girl or two, while the poor fool, who must talk of his natural rights, is turned adrift, a wandering vagabond on the face of the earth."

Such were the opinions of a good, clever fellow; but early impressions had made him what he was. I only mention him here, and his remarks, as a type of many hundreds of the population of Upper Canada, who think, that a hard-working, honest farmer, ought to think of nothing else but minding his plough, read his Bible, and leave his political rights to the management of those who, like the lieutenant, considered themselves their betters.

In conversing with another of this class, upon the benefit of primary schools, and the general education of the people, he exclaimed, "Oh, that is one of your Yankee absurdities! What does a farmer want with education? Let him mind his own business. Education will only tend to make him insolent and conceited. Will learning to read teach him to fell a tree the better? He must take a newspaper, forsooth; and next he becomes a politician, talks of rights and privileges of freemen, and becomes a pest to every *gentleman* in his neighbourhood."

The kindness we experienced wherever we stopped, the sympathetic expression in the faces of the women, and the stern glances and compressed lips of the men, plainly betrayed how different were *their* opinions of their natural rights from that of my facetious companion.

At the village of Brantford, we met with a Captain Graham, an old officer of the Royal Navy, who invited us to sup with him. He had been on service, was present at Chippewa, and was now on his return

to visit his family. He informed me of the evacuation of Navy Island, which he had visited, and spoke in terms of admiration of the ingenuity displayed by the Yankees, in the fortifications there. His kindness and hospitality claim my acknowledgment; and I trust we may again meet where an opportunity may be afforded me of repaying him.

An express to Colonel Askin hurried him back from Brantford with a part of our guard and some Indians settled in the vicinity. From a few words which were dropped, I conjectured that they feared another insurrectionary movement. The armed men, however, who had been seen, and who had given rise to this apprehension, were probably those intending to attempt our rescue. But we had passed sooner than had been anticipated, and they were too late. Had they been in time, a better place for an ambuscade than the pine woods through which we had passed could not have been devised. Though aware that we had been hurried forward earlier than at first intended, I could not avoid an inquiring glance, at every turn in the road, and a hope that each favourable spot we approached concealed our friends. But all passed quietly.

As we continued our journey, however, the route was changed; and instead of pursuing the Dundas road, which lay through a thickly settled county of reformers, the more circuitous route to Hamilton was taken. Even then, they seemed to doubt of our being secure in a tavern, as was usual with our guard; we were therefore deposited in the jail, strongly guarded. Here I was visited by some old acquaintances, tories of course; none others were allowed access to us.

The next morning we pushed on to Toronto. The villagers, hearing of our arrival, seemed anxious for a peep at the "*hanimals,*" and many of them remained in the streets, from the morning of our arrival until noon. They appeared to sympathize with

our condition; and could they have aided us, would, I think, willingly have done so. The Irish part of the population, especially, notwithstanding their reputation for loyalty, had serious thoughts of rescuing us, were it only for the sake of the "*spree.*"

On our arrival at Toronto, from the crowds of people who occupied the streets, it had all the appearance of a holiday. All displayed an anxiety to get a sight of the prisoners. A divided feeling, however, existed among them, as appeared by the remarks we overheard, touching our appearance and probable fate.

As we reached the door of the prison, where we were about to alight, I was engaged speaking, with a smile on my countenance, to one of the officers of the guard. A bystander, conceiving such intimacy with the officer as indecorous, made some remarks in a loud tone of voice. This attracted my attention, and I turned towards the speaker, supposing he addressed himself to me. He was a decent-looking man, evidently one of the notables of the place. On observing me looking intently upon him, he bawled out, "Bad luck to your impudent face, you bloody Yankee! I hope I may never see you come out of that place until the morning you are to be hung." With this benediction and friendly wish, I entered the prison of Toronto.

CHAPTER XIV.

The Prison at Toronto—Fare—Treatment—Incidents.

We were confined in what was called the long hall, in the second story of the building. At four o'clock, the prisoners were locked in the cells, without

fire or light; and at seven in the morning, the cell doors were opened, and they had permission to remain in the hall until the hour of four again. The prison was at that time crowded; there being upwards of three hundred of the inhabitants incarcerated. Amongst this number, were probably more than one hundred of the most reputable and useful men of the country. In the hall, the next morning, were seventy-three, all of them wealthy farmers, and many of whom had been confined for two months, obliged to live on the rations which were served out to them—a pound of bread, and a pint of a species of soup, made out of the head of a bullock—and that served up so filthily, that those of delicate stomachs could not even bear the smell of it. Most of them had passed the ordeal of being kept below in the dungeons, for two or three weeks, to break them in; and duly appreciated the favour of being sent above, to make room for new arrivals.

The tale told by these men, was one of horror and deep-dyed villany. Many of them were imprisoned on vague suspicion; others, for having, years before, voted for reformers at an election; some, because tory magistrates were indebted to them, and, requiring their pay, received it in the shape of a commitment to prison; others, who had been seen at Montgomery's in arms, but who had laid them down on the reception of the proclamation of the governor, promising an amnesty to all who would retire peaceably to their homes, and report themselves to a magistrate, surrendering their arms, and renewing their oath of allegiance. Of the many who did thus, although Sir Francis Bond Head had held forth that "*the principles of monarchy were honour*," scarcely one escaped, when within the reach of his power; being arrested at his home, tied to his neighbour with ropes, and driven into Toronto as a galley-slave. His sacred word, as the representative of

the monarchy of England, and as a man, was pledged, that if they would but refrain from cutting his lying, hypocritical throat, when they had it in their power, and return to their allegiance, all should be forgotten. How well that sacred pledge of honour was kept, the moans and shrieks of distracted wives and mothers—of houseless children, and heart-broken orphans—can best tell. No language of ours, and none but that of a woman who has seen husband and father fettered, and dragged from their beds in the night, her house burnt over her head, and she, with her offspring, a moment before in affluence, now a wandering beggar, can tell. There are none other who are gifted with the power of even dreaming language sufficiently expressive.

Those unacquainted with the policy of the British government, and the nature of the vain, shuffling, little fool who then administered to her wants and caprices in Upper Canada, need not be surprised, that the only excuse he offered for this treason to himself and mankind—he could not be treacherous to the ruling spirit of his government—was, that circumstances had occurred, by which he thought the province would be in danger, if he allowed them to go at large. Ergo, the necessity of fire, pillage, chains, imprisonment, and the gallows. As said Queen Elizabeth, on her death-bed, to the Countess of Nottingham, "God may forgive you, but I never will." If, indeed, I had not seen enough previously of the wrongs of suffering Canada, before I was three days in that prison, I saw enough to stagger all human belief. A grand school would it have been for the few copper-counting, miserly, and heartless wretches we tolerate in this country, who denounced and proscribed the patriot, and pronounced the complaints of the wrongs and injuries of the suffering Canadian unfounded, and them unworthy of either belief or protection in their revolutionary struggle. Even such callous beings, confined

along with such men for a few days, would have seen and have heard enough to make them ashamed to indulge such opinions, and such vile prejudices.

The tory party have never attempted to deny the truths related by these men; but justified them, on the ground of their being the smaller number: using the argument, that it was necessary for them to exert themselves in taking up all the popular men, and in disarming the people, lest they should rise up, and, insisting upon their rights and liberties, treat them in like manner. Can any man, possessed of a spark of American feeling, say that this was sufficient to justify the declaration of martial law, the suspension of the habeas corpus, arbitrary imprisonment, the burning of churches, the pillaging of villages, the firing of houses, and the murder, and roasting alive of their fellow-citizens, turning their wives and children houseless and homeless wanderers upon the cold charities of the world; casting their noblemen by nature—their intellectual and talented lords of the soil—into prison, or driving them into exile? And all this that a few should rule? No; no. There is no American that can or will say, with a knowledge of these truths, that the people of Canada were not, by all and every principle of right, human and divine, called upon to rise up, and free themselves from the despotism which enslaved them. Even now, at home, in the midst of my family, and in my much-loved adopted country, surrounded by freemen, who know what their liberty is worth, I shudder when I recall those scenes to remembrance, and reflect upon some of the transactions which I have witnessed; and which are too indelibly engraved on my mind ever to be erased.

It is a painful task for me to draw the curtain, and expose to my readers, "man's inhumanity to man;" but, nevertheless, I consider it a duty I owe the tyrannical portion of my fellow-beings, to represent the case of at least one man in prison. William

C. Comfort, a highly respectable and wealthy individual, and who was the first of the prisoners with whom I became acquainted, was arrested and committed for the *crime* of loaning his team to Mackenzie and another person, under the following circumstances:—On the morning after the defeat at Montgomery's, these individuals called at his house, situated some twenty-five or thirty miles from the battle-ground, on their way to the Niagara frontier; and, being well acquainted with Mackenzie, he invited him to refreshments; and, on learning his anxiety to proceed on a journey, and observing his horses fatigued, tendered his own, and all this without any knowledge of an escape, a battle, or a defeat. For this simple offence, or, if the reader please, high-handed outrage, he was arrested, and dragged to prison; and, not content with this, the magistrates so brutally treated his wife, in the hope of obtaining information she did not possess, to implicate her husband, by telling her, among other things, he would be hanged the next day, that premature labour was brought on, and she and her babe, before that day's sun was set, were in their graves. I cannot find words to describe, and must leave it to the imagination of my readers, what were the feelings of the husband and father, in his dungeon, and in irons, on receiving this agonizing intelligence. Unhappy man! what could he do, but make an effort to brace his nerves, and stay the bursting of his heart-strings, for the sake of his other four motherless children, exposed to the like brutal malice of the murderers of his wife?

The brutality exercised in this case roused the indignation of even some of the Orange tory party; and when he begged the authorities to allow him to go out on bail, only to the funeral, and to provide some place for his children, he was refused. The most unexceptionable bail was offered for one day, with the condition that he might be accompanied by

a guard, and returned immediately to his cell. They laughed in very derision at the request; forbid any communication with him or the other prisoners, so that no friend could whisper a word of consolation to ease his breaking heart. In my pity for him I momentarily forgot my own situation—the indignities and insults offered my person, and commiserated with this, my wretched fellow-being, whom I verily believe would have fallen a victim to his grief, had we not consoled and encouraged him to live for his children and vengeance. His poor children came to Toronto, and besought admittance to their father. Their tears and entreaties softened the heart of the jailer, and he took them to the chancellor, Jamieson, whose office it was to grant passes, and begged permission to let the father see them; but it was against the orders of the governor, and could not be permitted. So it was with others during the whole winter. The murderer, the thief—all that was vile, hideous, and execrable in society, could see their associates and relatives, and commune with them; but those who were incarcerated for their love of country, were shut out from all communion with friend, neighbour, or relative. The husband was forbidden to see his wife, even through the grated bars of his cell; and the child was deprived all intercourse with his sick and dying parent. They could see none to bless them—none whom they could bless.

The orders were so strict, that even the windows, grated as they were, were not considered enough; and to prevent any from seeing, and to exclude the air and light from getting into this modern "hole of Calcutta," these were boarded up. Fathers were arrested by the guards, and thrown into the dungeon, for only looking up at the windows of the rooms where their sons were confined; and wives and daughters were rudely driven off by the bayonets of the guards, for stopping in the streets, at a distance of probably twenty rods, to catch a glimpse of their husband or

father. The tories were, at this time, much elated with their success. They had burnt the Caroline; Navy Island had been evacuated; and they thought themselves invincible. They treated the prisoners with proportional severity. News, however, came, that the patriots were preparing for an incursion on the Michigan frontier, when they began to relax a little from their harshness, and treat us with some little lenity.

A number of gentlemen came to see me, and amongst them, members of the legislature; some saying that they had heard a good deal of me from gentlemen of London; and that they thought the best thing which could be done, was for the government to send us home; and that they should advise him to that effect. I obtained leave for myself and Col. Brophy to be transferred into another room, more airy and comfortable. As they wished to separate the Americans, six of the fifteen had been sent down below; and I obtained permission to have one of them, Mr. Campau, from Brownstown, Michigan, to come in with me. In this room were Messrs. Lount, John Anderson, Echart Kline, Porter, Brown, Wilkie, Philip Weidman, R. Taylor, and afterwards Mr. Comfort; and as there were occasionally others brought in and sent out, I do not remember all their names. As this department was one of the debtors' rooms, there were also three or four debtors always with us; but these gentlemen had been with us during the most of the time we stopped there; and we became much attached to each other. The room was, I think, about fourteen feet square, and our numbers were generally from twenty to twenty-five; and here we had to cook and sleep—they now allowing us the privilege of receiving some food from our friends without; and as we were constantly locked up, we had, of course, to obey the calls of nature in the same place. We were neither allowed to see papers, nor receive any communication what-

ever; nor even if we perchanced to meet prisoners from the other rooms, when we were called out on the sick list to see the doctor, dared we to speak; for the turnkey was always on the watch; and on his reporting a disobedience of rules, the one guilty was instantly ironed, and thrown into a cell. We, however, could not remain in that way long. We could write what we wished to say to each other, and slip it into the person's hand, when unobserved. At last those in our room decided that we would open a correspondence with the others, and bear all the consequences, if discovered. As Col. Brophy was a *practical engineer*, he suggested drilling a hole through the brick wall that partitioned our room from that in which Messrs. J. G. Parker, Montgomery, Morrison, McCormick, Durand, Watson, and others, to the number of twenty-eight, were. One of the men had a pocket knife, with a blade in the shape of a dirk, which was lashed on to the head of a broom-handle; and thus, after much pains, was a hole drilled through a brick wall of eighteen inches. This hole was round, and could be covered with a cent; and it was so placed, that it was easily hidden; and when that was through, we began a correspondence with the others. They also carried on the route through the wall into the neighbouring room, until, within a short time, we had a general post-route throughout all the rooms on that floor, and then, by means of a hole in the floor, communicated with those in the story underneath, and perfected a medium of correspondence throughout. The paper written upon would be attached to a rod, and after a given signal, lest there were spies in the room, we would push it through. We occasionally persuaded the turnkey, with a small bribe, to bring us a newspaper, which, after its being read with the greatest avidity, we rolled up tightly, lengthways, and it went the rounds. None, who have not been in the like situation, can imagine the comfort we took in that

simple affair, as we were all sanguine in the result of the revolution. We cheered one another; encouraged those who were desponding; and amused ourselves generally by writing to each other, and giving our opinions and plans. I was thus enabled to find from those gentlemen, individually, the feelings of the people in their section of country; their opinions of the cause of the revolt; and their own particular sectional as well as general grievances.

We had also contrived, through certain friends outside, some telegraphic signals which they were to make in a certain place, that would not be noticed by the guards who surrounded our prison. Many were the signals we had. A man was always kept on the lookout, and as it was always the ladies who came, they were not so much observed, nor was there so much danger of detection; and besides, to be candid, they were much more adventurous than men. I often wished I had one thousand men at my command, as brave and as resolute as those ladies of Toronto, that I might turn the tables on our braggadocio oppressors. The rumours of attack were kept up, and the soldiers night and day in a constant state of alarm. At one time there were so many thousand in the Niagara district, at another an army had crossed the St. Clair, had taken London, and were advancing by forced marches upon Toronto, each day bringing its tale of something surprising, enlivening us and saddening them; we placing on each some little reliance, although disappointed but the day previous. It all had a good effect, too, in keeping up our spirits and preserving health.

When the government found that neither Col. Brophy nor myself were to be flattered into their particular views, and that so far from seeming to regret what had been done, and as they, I presume, found out by the spies they kept among us in the different rooms, that we were incorrigible, they resorted to harsher measures. Some papers of mine that

had been intended for some of the prisoners, was handed over to the jailer, and on his laying it before the authorities, it was thought a good excuse for ordering us to be put in chains. But this effort to humiliate and work upon our feelings, produced the contrary effect; for instead of thinking ourselves degraded, we thought we were honoured by being so feared that we were deemed worthy of their chains. Five of my men, who could not stand any longer the small portion of food allowed them, wrote a petition, without my knowledge, to the governor, praying him, in very respectful language, as they were strangers, without friends or relations in the country, to bring them food, that he would order them something in addition to what they were in the habit of receiving; they also stated the facts of their treatment at Malden, the manner in which they had been deprived of their money, and prayed his excellency, to order it as private property to be restored to them, that they might provide themselves with necessaries they were suffering for. This they contrived to get into the post-office by some person going out of prison, and in a day or two after I was called out into the hall by the sheriff, where I saw the poor fellows for the first time in many days. The sheriff asked them before me if they wrote that petition, how they had sent it out, and how they had dared to write any thing of the kind, or trouble his excellency with their complaints? They were then sent back to their place of confinement, and that evening ordered down below to the dungeons. In anwer to their inquiry, why they were sent there, the turnkey told them that it would learn them to complain; that that was the way they served those who complained that were well enough off. They were kept there until by the damp and cold they became sick, when they were transferred to the hospital.

CHAPTER XV.

Arrival of Dodge—Capture of Sutherland, his attempt at suicide—his trial by a court-martial, and sentence—Trials and sentence of Lount and Matthews—Indictments—Trial of Montgomery, Morden, etc.

On or about the 20th of February, Col. Dodge, whom we had left wounded at Malden, was brought down to Toronto. Little did we think, when we parted from him, that we should ever meet again in this world. He was much altered in appearance, pale and wan; which, together with the loss of an eye, had so changed his appearance that I scarcely knew him. The intelligence he brought of what had taken place in Michigan, as well as the circumstance of his being sent away at so short a notice, led us to conclude that something would be done. When he beheld us, he was equally shocked with our appearance, for we were loaded with safety chains, a species of dandyism, which he thought ill became his old acquaintance.

At this time, Prince, who was in Toronto, pretending, I believe, to interest himself in behalf of Col. Dodge, but he left very suddenly for the frontier, news having reached him, by the numerous spies employed, that another invasion was to take place. It was well known at Toronto, for four or five days before the affair at Fighting Island and at Point au Pelee Island, that such was to take place. That at Fighting Island took place on the 24th day of February, and at Point au Pelee on the 26th, two days afterwards. From the reports of the tory officers we conjectured that they had met with a check, for they spoke of the battle as having been well fought, and they had killed many of the patriots, and had had but few of their men wounded. We reasoned

then by contraries, for it is a well known fact, that the British never will admit a full statement of their killed and wounded to be published, therefore we knew from experience that they were stating that which was not true.

A red-coat, one would think, to hear them talk, was a coat of mail. And the greatest number they ever will admit of their loss, let it be ever so serious, is some few killed, and a few slightly wounded.

A few days after, news arrived confirming our belief, that they had been worsted by the patriots, and indeed, we well knew such to be the case, from the severity exercised towards us. Soon after, however, we learned that Sutherland had been taken; we could scarcely believe it, especially when we heard that he had been taken on the ice, by one man, and that man John Prince. From the short acquaintance I had had with Sutherland, I had formed the opinion, that he was brave enough, and no one man could capture him, and that he was prudent enough not to place himself in the way of danger, without being well prepared. But a few days decided the matter. We heard he had arrived; but could scarcely credit it. However, when the turnkey came to sell us beer, we inquired of him, whether he had any thing in particular to communicate. He had previously solemnly assured us, that Mackenzie had been taken, and that he had himself, but a short time previously, put him in irons in the dungeon, which we knew to be false; for at that very time the queen's attorney, and the attorney-general, were endeavouring to bribe us with offers of our liberty, if we would prevail upon our friends to kidnap and deliver him to them, and on such delivery we should be set at liberty.

To them the matter seemed a mere business affair, and which they admitted to be the case, and I believe they spoke the truth, when they said, if they were in our situations they would not hesitate a mo-

ment. But little did the scoundrels know our feelings at that moment—the love we bore our country, ever to have had our national flag dishonoured by one of our own citizens, by kidnapping the exile who had thrown himself under its folds for protection from the tyranny of Britain. Proud am I to say, that that and similar offers, alike degrading and dishonourable, were spurned with contempt, and that the answer given them was, "death rather than dishonour."

The grand jurors were now summoned, and as they had had intelligence from the spies along the frontier, that nothing more would be attempted, as a mutual understanding existed between the officers of the United States and the Canadian government, who were in command, notwithstanding the outrage of the Caroline, so that every movement of the patriots should be made known to the tories, they began to work their hellish system of revenge. We were visited daily by numbers of the most ruffianly looking characters, hired to swear against us, for the purpose that they might "see the prisoners," so as to be able to recognise them before the grand jury. Wo to the prisoner who had the least valuable property to be confiscated; for these perjurers were told they were to have the property, if they could swear sufficiently to have them convicted. They were generally the vilest of the vile Orange faction, who thought no more of an oath than they would of the most trivial affair, and particularly when there was any thing to be made out of the matter. At first, and at the commencement of affairs, there was evidently some doubts as to the manner the home government would wish the prisoners to be treated. The English papers had come out in severe terms against Sir Francis Bond Head's proceedings, and insisted on his recall; a report became current, that he was to be recalled, and his place to be supplied with another, in the person of Sir George Arthur. For a

while the people appeared to act undecided; but as soon as the character of Sir George Arthur was known, and judging from what had been said of him and the ministry sending him out, that nothing but harsh measures would be resorted to, they began in earnest. Bills of indictment were found, and placed in the hands of those in prison every evening, by a Mr. Sherwood, who acted in the capacity of queen's counsel, at the same time bringing with him two persons to witness the delivery.

A law had been passed at that time, giving the power to the colonial government to pardon any person, accused of treason and indicted, if he would, before his trial, confess his guilt, together with the condition that his property, both real and personal, should be confiscated forever: or the person could be banished from the province for a given period or perpetually, on such forfeiture of his property. This was said to be owing to the vast numbers of persons indicted who could not be tried, as the time of their trials would occupy the whole summer, being not less than from three hundred to four hundred in the neighbourhood of Toronto alone that were indicted, besides the great expense they were under in maintaining the prisoners, "fattening them for the gallows," as the Montreal Herald remarked, and the numerous guard required to watch over them; and, above all, the necessity of not driving the people to desperation, in the present state of the province. A list of those who need not expect mercy was made out, and the attorneys being all, with few exceptions, of the tory school, their interests were looked to. They received fees from prisoners to plead for them; they directed them to petition for pardon and save life with loss of property, stating that if they were tried they would be executed. All the judicial talent at the bar was secured by the government, and the others charged exorbitantly for their services. One hundred dollars was thought nothing of as a retain-

ing fee, and that, too, in a place where there were such a number to be tried.

Indictments were coming in continually. Still there was none found against us. We could not imagine what they would do with us, knowing that, as American citizens, they could not try us for treason, not owing allegiance to the queen: and they appeared to be of the same opinion. A few days after we were taken, a law was passed, that all citizens of the United States taken in arms fighting against her majesty, or aiding and abetting the rebels, should be tried by court martial, and if found guilty should suffer death. This law being de facto a law made after we were taken prisoners, they could not well try us under it; but as they cared little what they did, they passed laws as the emergency required. We were called brigands and pirates; yet, as such, we could not lawfully be tried; for, in the first place, we had not committed any act of piracy; and, again, they had no laws in the province to punish that offence, had we been guilty; nor had they any court of admiralty, and it was the opinion of the lawyers that we would have to go to England, and there be tried; but it would not satiate their love of blood to let us slip out of their hands. They feared England, against the crown of which they said the offence was committed, might be too lenient with us, and they would not be able to have their vengeance glutted. On the 24th of March, however, the question, so far as their right to try us, was settled. On the evening of that day I was presented with a copy of an indictment by the queen's counsel, setting forth, that, "whereas Edward Alexander Theller, of the township of Malden, in the western district, Stephen B. Brophy, of the township and district aforesaid, and Walter Chase, of the township of Yarmouth, in the London district, not having the fear of God before their eyes, and instigated by the devil, nor weighing the allegiance they owed to her majesty the queen;

did, on the ninth day of January, traitorously assemble with wicked and evil designing men to the number of five hundred and upwards, armed with swords, pistols, muskets, cannon, dirks, bowie-knives, and other warlike weapons, and traitorously devised the death of her majesty the queen, and with force and arms did then and there, &c. &c. &c.

This was a grave charge, certainly, but we could not but laugh in the face of the learned counsel in giving us a domicil at Malden, and traitorously devising the death of a little girl in England, three thousand miles off. It was rather insulting to both Brophy and myself, as Irishmen, who are proverbial for their love of the ladies, that we, of all the rest, should be accused of such an offence. None of the other prisoners taken on board the schooner were mentioned, unless they were thought to be part and parcel of the five hundred wicked and evil-designing men, with whom we had traitorously conspired to rob her dear little majesty of her life, "against her sovereign will, her crown and dignity."

As Sutherland was taken after the "act for trying citizens of the United States taken in arms," was passed, he was not brought to prison, but confined at the garrison where the court-martial was to sit. He was furnished with quarters there, and guarded by the regular soldiers who were in the garrison. The evening previous to the court-martial convening, he obtained an interview with Sir Francis, when he wanted, as was natural with a man in like circumstances—Midshipman Easy like—to reason the matter with him, in regard to the absurdity of taking his life. It was said of him, that he offered, in case his life should be spared, to make certain disclosures that would implicate gentlemen in the province who were not even suspected by the government, who had aided and assisted in the matter; together with some of the state authorities of New York and Michigan, and also of the United States; but not having

any documents with him to substantiate the matter, the governor lent an unwilling ear. The papers by which he could prove these facts, he said, were stolen from him while in Detroit, and in the pursuit of which he had been, when taken. The governor informed him that he could not interfere with what he termed the "due course of law;" at the same time plainly and politely informing him—for Sir Francis prided himself much on his politeness—that the court would find him guilty, and that he would be hanged; and concluded by saying that he, Sutherland, was old enough, had made his election, and must now suffer the consequences. There is not a doubt in my mind but if Sutherland had been tried the next day, as was anticipated, the court, composed as it was, and from the tone of the official papers, would have found him guilty; and that immediately after their sentence, he would have been executed. But he foiled them. On retiring to his quarters, he obtained some warm water to bathe, as he said, his feet; and when the constable, who remained in the room to watch him, had fallen asleep, he sat on the bed, placed his feet in the water, tied up his arm and his feet, and with a penknife which he had borrowed from one of the guards to make a pen, he opened a vein in each foot and in his arm. When the blood began to flow, he leaned himself back on the bed, which aroused the officer, who, on finding his prisoner did not answer him when spoken to, thought he had fallen asleep, and attempted to arouse him, but perceiving the blood flowing freely, he gave the alarm. Now as the soldier could not leave his post, and the length of time ere the sergeant of the guard could arrive, and then go for the surgeon, was longer than was anticipated, Sutherland had fainted in reality, and had likely to have carried the joke farther than he intended. On the arrival of the surgeon and the officers of the guard, with others of the

mess, they did what was necessary to arrest the hemorrhage. The officers, on looking about, discovered some letters which Sutherland had written before the affair, and directed them unsealed to the care of the commanding officer. They were read by the officers, to find if they could not throw some light on the matter. In them was found his reasons for committing the act, as well as conveying his last wishes, with some trifling bequests which he had made to certain individuals, as well as some insinuations as to the fate that awaited him when tried by militia officers, with, of course, some complimentary remarks in regard to the regular officers; which last, knowing there was no good-will existing between them and the militia, was a most politic move, and he thereby secured an interest in his favour which he knew would have its effect. It was some time before he recovered from his weakness so as to have his trial, during which time, however, he had every care taken of him, so as to be able to as soon as possible undergo the trial. Meanwhile, the new governor, Sir George Arthur, arrived; and soon as Sutherland was able, the trial proceeded. He had the assistance of able counsel. George Ridout, Esq. and others, volunteered their aid: and on his trial, it was said, he showed considerable tact in cross-examining the witnesses, and in his defence before the court. The court differing among themselves in regard to the constitutionality of the law, or at least the carrying into execution such a measure, until the law was sanctioned by the home government, they wisely agreed, that, if according to that law they should hang him, and the imperial parliament not concur in the right assumed by the legislature of Upper Canada in passing it, discretion would be found the better part of valour. "If he be hung," said one, "we cannot recall him to life again." So they agreed, and gave their verdict,

"that the prisoner, Thomas Jefferson Sutherland, be transported as a felon to one of her majesty's penal colonies, for the term of his natural life."

There seemed to be among the tories a great deal of dissatisfaction on the subject of the verdict, which had been kept for several days secret; but to palliate the matter, the Patriot, (the official paper,) came out with a statement that Sutherland would be useful to them, having made important disclosures to the governor. Whether he had or not I do not know, but that there were warrants issued for the arrest of individuals hitherto unsuspected by the authorities, and who absconded the next morning, are facts well known to all those who at that time were in Toronto.

The trials of those indicted now began to come on, and as numbers were petitioning the governor for pardon, Messrs. Lount, Matthews, Brophy, Anderson, Montgomery, Durand, and others, petitioned. They received for answer that the governor and council had examined into their case, and were of the opinion they must stand their trial and abide the issue, as the government could not interfere to save them from the offended laws of their country. I did not apply for pardon, for the following reasons: First, I knew I had been set down on the black list as one who must be executed; and, secondly, that, as an American citizen, I was resolved never to degrade myself by saying that I could be or was guilty of treason, thereby tacitly admitting myself to be a subject of Great Britain. I spurned the thought, as unworthy of my birth and my adopted country, and expecting nothing from their mercy, only had hope founded upon their fears, which, as the sequel proved, was well entertained.

The first intimation I had of what I might expect, was from a tory gentleman from Detroit, who was said to be a spy, and which after-circumstances convinced me to be a fact. He called to see me, and

as he was the first person who had leave to call on me from my home, I was anxious to hear some news from my family. After some little conversation, which on my part was gay and cheerful, I perceived that he was labouring under some little difficulty as to the performance of some very unpleasant errand. I made some inquiries about what was going on in Michigan, and in badinage remarked that I hoped to see him ere long in Detroit, and over a bottle of wine, we would canvass these strange affairs.

"You will never see Detroit."

"Never! Indeed: and from whom have you that information?"

"From good authority."

"Well, what do they intend to do with me—hang me, I suppose?

"Yes, I am sorry to say, that you must be hanged. I had it from the governor himself, who said it must be done as an example to our people, to prevent their interference with that, you know, they have no right to interfere."

"We will not argue that matter now," said I, "but I would like to know how it is you are so intimate with the governor, that he tells you *what must be my fate, even before I am tried.* But, on reflection, I understand the matter. You may go and tell the governor, I will see Detroit again, and I will live long enough there to *expose you.* Good morning, sir.

I had some idea, from what I had witnessed, of the feeling towards me, but still I was puzzled and surprised that the governor should so far commit himself as to state what *must* be the fate of one, who by their own laws must be considered innocent until he was proved guilty. I saw, however, how matters stood, and prepared myself to act accordingly. I perceived, that the only alternative I had, was, to follow the bent of my natural inclination—fight it out to the last. If they tried me as a sub-

ject of Great Britain, notwithstanding my citizenship, they gave me a powerful appeal to my own government, and if they succeeded in carrying their plan into execution, I would be sacrificed, but my death would do more for the freedom of Canada, than I could if living. It would be another strong argument for the United States to demand redress, and which, from the nature of our people in general, and of naturalized citizens in particular, the president would be obliged, whether willing or not, to notice. To be sure, it would put me out of the way of doing mischief, but there would be the consolation of there being added thousands of better men to the standard, who would rally and teach England, if she must have us for her subjects for hanging, they could sow their own hemp, and reap it with their own sickles, and from British soil too.

The first of the state trials were those of Messrs. Lount and Matthews. They were advised by their counsel to plead guilty to the indictments, and throw themselves on the mercy of the government. As the new governor had not as yet had time to mix with the cabal that had wrought upon the passions of his vain fopling of a predecessor—and from the opinion, that although the present governor was of the ultra tory school in politics—his recent arrival with instructions from the home government, as they were informed, to act as pacificator to the Canadians, and also thinking that he brought with him the manly frankness of the old soldier, the wish to show the people that England was strong enough to be merciful to a fallen enemy, as he had stated in answer to an address, congratulating him on his arrival among them, by the citizens of Toronto; and, in fact, that as the revolution had now ceased, and no measures which the people might have anticipated for vengeance, would be resorted to, mercy might be extended.

I was much opposed to my friend Lount's plead-

ing guilty to the charge, as I was certain that other things, which they could not prove, and of which he was not guilty, would be laid to his charge; and, as to any faith in the mercy of the government, I had never dreamed of it. However, he, as well as Mr. Matthews, followed the wishes of their legal advisers, one of whom was a tory, and the other, a very timid reformer, who, in fact, was almost afraid to take their cases in hand, or speak on the subject, for fear of offending the ruling powers. They, by so doing, virtually, I thought then, and still think, threw away their lives.

On the 29th March, they were called upon to receive their sentence, which was, that they should be executed on the 12th April. Although we expected it, yet it took us by surprise, that there was no more time allowed them. It had been the opinion of all, that the governor would at least take time to have the British government notified, and receive their advice. When they returned from the prison, they were chained anew, and removed from our room into the condemned cells.

After the sentence of Messrs. Lount and Matthews, the court adjourned for some days; when John Anderson, of Toronto, was called; and he, also, by the advice of his legal advisers—tories—plead guilty. Gilbert F. Morden stood his trial, and was found guilty of treason; having been found in arms at Montgomery's, and on his way to the United States, with some letters found upon him, from some of the patriot leaders, to certain influential citizens, begging the aid of Americans for some future rising; which was thought a matter so heinous, that he could not expect mercy. John Montgomery's trial lasted a whole day. Nothing could be proved against him, but that, at his tavern-stand, a short distance from Toronto, and which he had rented, the people had assembled, and he, as a public tavern-keeper, had given them food, when they demanded and paid for

it. It was not proved that he had been in arms, advised with the revolutionists, or aided them in the slightest degree. But he had been a reformer—was a man of wealth: his buildings, valued at $20,000, had been burnt by order of Sir Francis Bond Head; and, if not found guilty, the property of a man who had always been the supporter of Mackenzie, would have to be refunded, as the burning had taken place before the passage of an act by the legislature, called the indemnity act. This act was to indemnify, and keep harmless, justices of the peace, officers of the militia, and other persons in authority in the province, as well as divers loyal subjects, against being harassed by actions at law, or complaints of any kind, for illegal arrests, and detention or destruction of property of persons suspected of treason, misprision of treason, or treasonable practices. So, Montgomery, on these grounds, was found guilty, and his property thereby confiscated. He was, however, recommended to *mercy* by the jury. Mercy! Ye gods, how merciful to rob, plunder, and burn, and cast an honourable man's family upon the cold charity of the world, and then console him, by saying, we will recommend to the chief of our banditti, that your life be spared; but let him doom you to chains and slavery "for the remainder of your natural life."

CHAPTER XVI.

Proceedings at Camp, and in Detroit, after the capture of the Ann—Conduct of the United States Authorities—Battles at Fighting Island, and Point au Pelee.

The arrival in Toronto of certain American friends, furnished me privately with interesting and correct information from my friends in Detroit, and at different points on the frontier; which had the tendency to dissipate time, and relieve my mind from much anxiety. At the camp on Sugar Island, the troops, about four hundred in number, had busied themselves, during the day of the ninth of January, in erecting temporary barracks, completing their muster-roll, and drilling. They had been left by Sutherland with only a yawl boat, and, of course, could not come to our aid, or force their way through to a rescue, on hearing the cannonading, and witnessing the flash of the guns, during the action and capture of the schooner Ann. About one hour before the firing commenced, so anxious was the officer in command to learn our position, and to ascertain the reason why Sutherland neither sent back the boats from Bois Blanc, nor forwarded him information, that he sent the small boat, with an officer and fifteen men, with directions to require an explanation from Sutherland, and then, if possible, to reach the schooner, to communicate some important information from Detroit to me. This information was to the effect that the steamboat, Little Erie, would be seized that night to transport to the island an addition to our forces, of two hundred and fifty men, and further supplies in arms, ammunition, and provisions. This boat reached Bois Blanc, as the firing commenced, but not in time to cross the island, and

witness the issue; but, whilst on their way to Sutherland's camp, at the light-house, met him running at the top of his speed, and crying to them to run back to the boat, which was lying about a half mile below the larger boats, and reached in a few minutes, he puffing and blowing, and saying all was lost. Then, on reaching the boat, he leaped in, and insisted upon being rowed immediately across to Sugar Island.

When within speaking distance, it was observed by those on the island—who had been watching the firing with the most intense anxiety,—that the men were pushing off the larger boats, and also making for the same destination. The small boat was then challenged, it being so dark that the persons in it could not be distinguished, and coming to, at an opposite point of the island from the regular landing.

"Boat, ahoy! Who are you?"

"General Sutherland and your reconnoitring party. The schooner is taken, and all on board murdered."

"What do you here, then? Why not move the boats around to the rescue."

"They are frozen in, and we can't get them off."

"That's false; they are afloat now, and heading this way."

The coward then came on shore, and was received by the upbraiding curses of both officers and men, he in command even refusing him the shelter his temporary quarters afforded.

After some time the large boats, which were heavy and hard to manage against a strong current, effected a landing, and as the men came on shore, gnashing their teeth and shaking their clenched hands, they demanded the immediate punishment of their traitor leader, and it was with great difficulty they could be persuaded from exercising summary vengeance, and induced to submit to military discipline. It appeared, that during the action with the Ann, a mus-

ket ball had struck on the shore near the party of Sutherland, where he was coolly looking upon the fate of his comrades, which so alarmed him, that he immediately fled, calling out to his men to follow him. He, however, had the longest legs, and was soon out of sight, when, falling in with the party from the small boat, we have mentioned, he altered his course, and left his followers to shift for themselves, in doubt as to his intentions whether to move around to the relief of the Ann, or cross to Sugar Island; but, after some time, espying him in the small boat, they pushed after him, when it would not have taken five minutes to have moved around the point of Bois Blanc, from where they lay, and with nothing but the force of the current, have come alongside of the Ann, recaptured her, preserved their friends, and taken the town, which was expected, not only by us, but by all the tories in Malden.

It was now ascertained, that there was scarcely a round of cartridges in the camp, and a boat promptly despatched to Gibraltar, where there was a store of ammunition on hand, and every preparation made for a movement at daylight of the next morning. This boat was forced to cut its way through the ice for more than a mile and a half, in one of the coldest nights of the season, and it was three o'clock in the morning before it reached Gibraltar, and the ice was then forming so fast that it would have been utterly impossible to have made its way back with oars.

Meantime, at Detroit, the party who were to cut out the steamboat Little Erie, and join the forces, hearing the cannonading, had hurried their movement. Their arms were got on board. The fresh troops, who were from the banks of the St. Clair, Macomb, and Oakland county, and all choice riflemen, got on board before the alarm was given, an excitement being created by the ringing of the bells, and a general feint, simultaneous from all directions.

However, before they could raise steam on board, the Brady Guards were turned out with the United States marshal at their head, with a posse of tories, and an attempt was made to secure the boat. Finding all remonstrances, commands, or threats, unavailing, the marshal ordered them to be fired upon. The Bradys, of course, obeyed the order; but being most of them good fellows, took good care to fire over their heads, with the exception of one, who let his bullet strike a barrel of provisions a hardy old patriot was handling, who coolly, and as if a little offended, cried out, "Take care there—d——n it, you had a ball in your gun!"

Since my return among my fellow-citizens, I have learned further particulars, which I will relate to show the state of the public feeling at that time. Owing to the rigid system of police adopted by the municipal authorities, the utmost precaution and secrecy, upon the part of the patriots, was necessary. Several attempts were made to procure boats, by purchase, for the purpose of going to the relief of those on the island; but owing to the general apprehension of being identified with the movements of the patriots, none could be had. The principal body were at that time assembled at the United States hotel. Police officers, constables, and marshals, were continually on the alert, watching every movement. In this emergency, Col. ——, and others, went on board the Little Erie, which lay at the wharf, in the rear of the hotel, and made their calculations by a conversation with Capt.——, and the mate, what could be done. Returning to the hotel, fifty choice spirits were selected from the number, without any explanation of the object in view, and assembled in the dining-room, when each agreed to obey orders without speaking a word in the performance of the duties assigned. The provisions, arms, and ammunitions, to be placed on board, were in the cellar and yard. Guards, at this time, were

stationed by the municipal authorities through the streets, and along the dock by the boat. All in a state of preparation, the spies and police deluded by the main body in the front rooms, drinking, relating rumours, and making calculations, that we were by that time landed and in possession of Malden, the fifty marched silently out of the back door, and moved the provisions and ammunition quickly on board. By this time the alarm was given, and the patriots all rushed on board. The weather was exceedingly cold, causing delay in unmooring. Capt. —— and the mate made resistance, as the marshal and the Bradys came up, when Col. —— had a clinch with the latter, and another gentleman with the former, and they lay struggling upon the deck, during the firing and shoving off. Capt. —— was then placed at the helm, and a guard stationed, with fixed bayonets, and with orders to shoot him down if he did not steer direct for the island, whilst the same course was pursued with the mate and engineer, to get up steam and under headway. Such was now the excitement, the signals of alarm, and expresses passing up and down on the Canada side, in plain view, that fifty to a hundred more individuals, who had not intended to go, rushed heedlessly, in an unprepared state, on foot, down the river side, and ran some three miles, making signals to the boat, until she came to, and took them on board.

There are many amusing anecdotes told, and which are well authenticated, in relation to this affair. Among others, it is said, my old friend, Coon Ten Eyck, the marshal, when giving his orders to fire, as the pieces were brought to a level, threw up the musket of the man next him, with the exclamation, "d——n it, man, you will hit somebody;" but it won't do to tell of this, for fear it will get to Washington, and cause the old gentleman's removal. This reminded me of an instance at Gibraltar, before the embarcation. While the volunteers were

coming in by squads, on the morning of our departure, one of the United States deputy marshals found his way to the officers' quarters, with warrants for their arrest. Addressing one of them, he asked him into the hall of the hotel, where he unfolded what he termed his disagreeable mission. The officer quickly asked him into a vacant room, requested permission to examine his papers, and taking, and placing them deliberately in his pocket, beckoned to the sentinel who was pacing the hall to guard the door, and then telling the marshal he would order him some brandy and water, and refreshments, as he must be fatigued after his night's ride, left him to his cogitations; where, by-the-bye, he was found by the party which came in pursuit of us, with the faithful sentinel still in the discharge of his duty, and we in British waters. And to add to that day's incidents, it may be well enough to remark, that whilst the Brady Guards and citizens who had been sent in pursuit, were enjoying their dinners on board the steamboats, their cartridge boxes were plundered of more than a half bushel of cartridges which found their way to our camp the same night.

The Little Erie reached Gibraltar at dawn of day, where she took in supplies, the boat which had been sent over, and more men, who were making for the camp, and arrived soon after at Sugar Island, in a tremendous snow-storm; having forced her way through heavy bodies of ice that had formed between the islands. Here a consultation was held, and the history of the day before related, so far as those on the island possessed a knowledge. A council of officers then decided upon sending Sutherland from the island. He begged and entreated; but there was no disposition evinced to grant him quarters. He finally begged that it might be left to the men, and obtained the privilege of addressing them. They were mustered and formed in hollow square; and he mounted a stump, and made a speech of a half-

hour's duration; then appealed to them for their decision, and put the question. His staff, and his staff only, voted for him. Another now addressed them, and put the question on the other side, when there was one unanimous shout for the officers named in the original arrangement; and Sutherland, with his staff, shipped on board of the boat for the main shore.

This redoutable hero, on his arrival at Detroit, issued a proclamation, dated at Bois Blanc, stating that he was in possession of the island; giving directions for raising troops, and orders as general as they were vapid and ridiculous; and among other things, stating he had lost his best officers; and that he would exact fines for any bad treatment we might receive. He then initiated himself into the good graces of the council there—induced them to believe he was an injured man—a brave man—a gentleman—and a soldier. He was arrested, and bailed in the sum of $6000—which has since been forfeited. They supplied him with money, and in a few days, he and a numerous staff were seen parading the streets with an entirely new, costly, and dashy undress uniform. He next visited Oakland, Washtenaw, and Lenawee counties, collected several thousand dollars, and induced a few hundred men to follow his fortunes—got them quartered in the neighbourhood of the city, and left them to starve, or find their way home, on the return to town of the officers from the island, who quickly divested him, in the eyes of the public, of his borrowed plumage. He soon became an object of disgust to all—of contempt with the council, who had censured worthy men on his representations—and of pity in the eyes of his own staff, one of whom, Col. Case, flogged him for misrepresenting facts to Dr. Duncombe, in Duncombe's presence, at the American Hotel; he, Sutherland, refusing to fight.

With the steamboat Erie, returned to Detroit such of the council as had accompanied her down, and those who were indisposed from the effects of the

cold and exposure. Previous to leaving, however, another consultation was held, which was to the effect that, if those then on the island would not attempt, by force, to retain the boat for the purpose of towing the boats with the men over to Malden, either that boat, or some other, should be immediately despatched, on landing the passengers at Detroit; by which time all could be in a state of preparation for making a demonstration. However, the weather, now intensely cold, caused the ice to form so rapidly, that the plan was either impracticable, or the dissensions created by that prince of loafers, Sutherland, induced a suppression of the project; and the recruits lay there with their boats frozen in, and in a state of suspense, until the night of the 12th or of the 13th of January, when a boat came cutting her way through the ice, intended, as they supposed, for the purposes previously arranged. It, however, on being hailed, proved to be the steamboat Erie, with his excellency, Gov. Mason, who asked to hold a consultation with the commanding officer, stating that he had not come with an armed force, for the purpose of dispersing the patriots, or with marshals, for the arrest of their leaders; but for the purpose of exerting his influence to maintain the laws, by effecting a peaceable arrangement; that there were none on board except the officers and crew, himself, and three mutual friends. The boat was then permitted to land, and the governor escorted to head quarters, where a consultation was held, which ended in the breaking up of the camp, and the landing of the troops at Gibraltar, with their arms, provisions, and camp equipage, where they were formally paraded and disbanded; and the boat with the governor, with great difficulty, succeeded in getting through immense fields of ice to Detroit.

This determination on the part of our friends, was induced by facts and arguments highly complimentary to their generous sympathy for us, if mortifying

to their pride. Negotiations had taken place between the authorities on the Canada side and the state authorities in Michigan, by which fair and positive promises to take measures for our relief had been made by the former, conditioned that the latter would induce our friends to disband and aid in restoring the frontier to a state of quietude: a ruse, as was afterwards made evident, to gain time for the regular troops to arrive. It would do, thought our friends, at all events to try the experiment, by at least a show of abandonment of their designs; besides, there was something due to the politeness as well as the delicate situation of the governor, who, it appeared, had been until that day ignorant they were on an American island, supposing they were encamped on Bois Blanc, which was now deserted by both parties. Then, again, they were under the impression, by retiring into the wood on the main land, to recruit until the ice was strong enough to permit their crossing, had its influence. Their course, on the whole, was wisely taken and discreetly arranged; the commanding officer calling around him his staff and the officers of the line, holding a council, and agreeing upon moving in squads immediately after their landing at Gibraltar, and appearing to disband, to the farm of a Mr. Van Riper, about six miles west, where they could make themselves comfortable; and then entering into stipulations that none were to be liable to arrest; that they were to retain their arms, except such as belonged to the state, which they receipted, and that all possible measures should be adopted for our release. Suffice it here to say, that whilst Gov. Mason and our friends in Michigan kept their promise in the arrangement, Prince and his coadjutors acted with the most foul and villanous duplicity. For, instead of making an effort in our behalf, he pursued us with the utmost venom to Toronto, and there in parliament, charged the authorities of Michigan, to whom he had made the most solemn promises, with

every thing that was vile, unmanly, and discreditable, and that even after going over to Detroit, a few days before, and saying to a council at the governor's chamber, that he was satisfied the authorities had done every thing in their power to preserve neutrality. He, in parliament, complained; and that body passed resolutions, charging that the patriots had practised firing cannon, drilling with firearms, and otherwise, until the last of January; that they had possessed themselves of a waggon load of gunpowder at the powder-house in the city of Detroit; that the arms and ammunition taken by the patriots belonged to the United States; that eighty stand of arms were taken belonging to the Brady Guards; that the patriots took two cannon from Fort Gratiot; that the patriots publicly recruited, paraded, and drilled in the city of Detroit, with the avowed intention of invading the western district of Upper Canada, and other charges equally false. And these charges were afterwards fully investigated by a meeting of citizens, and by the legislature of the state of Michigan, and pronounced false and unfounded.

Straggling parties, hearing reports that the patriots were in possession of Bois Blanc and of Malden, began to arrive at Toledo, Monroe, in the neighbourhood of Gibraltar, on Swan creek; and also to congregate along the St. Clair, from the Canada side. Most of them were refugees, and the greater part had been at Navy Island. Our friends in Michigan continued in the exercise of their pledge in respect to the neutral position, until Prince's course at Toronto was developed, when their severely tried patience was relieved by bursts of popular indignation in public meetings and otherwise. Gen. Hugh Brady, of the United States army, made a requisition upon Gov. Mason, and a battalion of militia was called out, under the command of Gen. Henry Smith of Monroe, for the purpose of maintaining neutrality; but citizens refusing to volunteer, and Gen. Brady being fearful

of intrusting them with the government arms, an order was given to disband when they were being mustered. Then an army of assistant marshals were organized; and the district attorney constantly engaged at his office issuing warrants, and the Hon. Ross Wilkins, United States district judge, at his chamber examining individuals on complaints, whilst the Brady Guards, what few regulars there were, with Gen. Brady and Major Garland of the army, were kept constantly on the *qui vive*, and in a sleepless state of alarm; these latter startled by the rustling of a bush, the breath of a British spy, an informant of any description, and especially by any wag who was so wicked as to enjoy the amusement of sending them on a fool's errand.

Public meetings were held by citizens on both sides of the question; the one denouncing the strong and overwhelming party in favour of the patriot cause, the other equally indignant at the authorities for overstepping their duties, compromising the character of the government, and trampling upon their individual and constitutional rights. Armed men entered private houses, in some instances, and took possession of personal property, on the merest suspicion that it was intended for the patriots; and the patriots themselves were hunted in every direction, and disarmed wherever found. To their burning shame be it mentioned, the United States' authorities entered into a league with the magistrates of the opposite shore, and the military of her majesty, by which information was given, informing them where and when rumour said they might expect the patriot, how he was armed, fed, and clothed, and his supposed strength; and any communication from the British, ever so frivolous, met with a formal turnout, and a ridiculous display of *loyalty*. They did even more than the British themselves, and were more subservient to them than their own hirelings. The Detroit Morning Post and its editors were

openly proscribed by those dressed in the garb of brief authority, and by tory associations and meetings of tories who were making their fortunes in government contracts, furnishing the British with pork and flour, and otherwise insulting the good sense of the pure and honest-hearted patriot who dared to extend the hand of charity to the oppressed, and openly espouse their cause.

On Friday night, the 23d of February—and a bitter cold night it was—General Brady had ordered out his regulars and the detachment of Brady Guards, and put in motion most of the sleighs and teams of the city which were not engaged for patriot service, for a move upon them at some point on the St. Clair. It was impossible to guess their whereabout; they had played another and an admirable *ruse* upon the general and his vigilant marshals. Being resolved to take up a position on Fighting Island, whether it could be maintained or not, the patriots caused a report to be circulated that they had passed Detroit, through the wood in the rear, and moved on the Fort Gratiot road, with the intention of fortifying themselves at the site of the old Fort St. Clair, on the St. Clair river, where they were assembled in great numbers. As prompt as credulous, the general made his preparations; and when about to leave at midnight, an inquiry was made through a confidential friend of a leading patriot, whether they really were at Mount Clemens or on the St. Clair, or anywhere assembled in the north, as it was too fatiguing to be kept constantly on the *qui vive* to no purpose. That gentleman, wisely predicting that the truth would have the effect to stimulate them on, told him that he would in confidence tell him that there was no assemblage of patriots north of the city, and if they went there, they would find it a fruitless and useless expedition, but declined stating in what direction they might be found. This was enough; if he said they were not

there, then surely there they were; so crack went the whip, and off drove the guardians of neutrality.

Meantime, a part of the main body of the patriots moved up from their woody retreat to Ecorse, opposite Fighting Island, refreshed themselves, and prepared to cross over to the island, a distance of about two miles. General Duncan McLeod, the leader, addressed them, and in fine spirits they moved off, about one hundred and fifty in number, leaving their scattering comrades to follow them as they came up. These were but partially armed, not one-eighth of them having available weapons of defence, and most of them having no weapons whatever, (owing, as was subsequently alleged, to a dereliction of duty of the master of ordnance; there being but one small piece of ordnance upon the island, and that unmounted;) it being arranged that the arms and ammunition should follow them in sleighs from another point, where they had been deposited for safe keeping. The deputy marshals, who were stationed at every point on the frontier, observing this movement, one of them hurried to Detroit after the government troops, who returned from their northern expedition, or fool's errand, and arrived at Ecorse about four o'clock, P. M., just as the firing had been commenced by the patriots, and was answered by the British from the main shore. Major Garland, of the United States army, and Colonel Isaac S. Rowland, the accomplished officer of the Bradys, then proceeded to station their guards, and so successfully as to intercept the men, the arms, and supplies destined for the island, and arrest the acting commissary, John S. Vreeland, who was afterwards indicted, tried, and convicted, imprisoned for one year, and fined one thousand dollars.

The United States troops and Brady Guards encamped at Ecorse for the night, and the patriots retained their position on Fighting Island, without shelter, blankets, or food, and in the bleakest of

weather; cursing, with the deepest bitterness, the cause which had deprived them of arms and ammunition, by which they might retaliate upon the foe on the Canada shore, to whose murderous fire they were helplessly exposed. At daylight in the morning the cannonading was again renewed, and kept up until the patriots exhausted their little supply of ammunition, and found themselves so completely hemmed in by the British on the one side, and the Americans on the other, that all hope of succour or supplies were cut off, when they reluctantly retired, slowly and sullenly, before the fire of the advancing British, upon the American line, where some fifty of them were disarmed, whilst McLeod with the others made their way through, and pushed for Point au Pellée, the British following them some distance beyond the natural boundaries, upon the ice, and keeping up an incessant fire. In this action much cool bravery was displayed, and a devotion to the cause manifested that made the American officers, the Governor of Michigan, and others present, whose duty it was to preserve neutrality, exhibit the greatest feelings of reluctance in taking from the men their arms, and making prisoners of their officers. And in this instance it was not only the vigilance of the authorities that prevented a successful demonstration. The blackest treachery and most cruel and sacrificing envy and jealousy amongst leaders, retarded some five hundred men, panting in the cold wood for orders to march, sunk their cannon in Swan Creek, and buried their muskets and ammunition in the swamps. But, we will leave that tale to be told by those who were at home, and had all the mortification of witnessing their chivalrous prospects of a brilliant achievement thus maliciously and cowardly blasted.

The next movement, and a bloody one, was at Point au Pellée island, by a portion of the patriots who had been stationed at Navy Island, and who

had been recruiting, for some little time, at Sandusky Bay, in Ohio. This is a British island, situated in Lake Erie, about twenty miles from the Canada shore, and about forty below Fort Malden, and well calculated, by its dimensions and high bluff shape, for defence, there being but one point easily accessible. It was here thought, by Colonel Bradley, who was in command, that they could maintain themselves, until the scattered bands could concentrate for a combined movement. Great quantities of supplies were furnished from Ohio, consisting of pork, flour, corn, cattle, and so forth, and more arms than men, with any quantity of horses and sleighs. The inhabitants were treated with the greatest respect, but cautiously detained on the island, although it was nearly nine miles long, and seven broad. The British, however, were soon informed of their location; and made immediate arrangements to cut off reinforcements, and dislodge them. Colonel Maitland, of her majesty's 32d regiment, who was in command at Fort Malden, moved all his disposable force, consisting of two guns, five companies of regulars, and about one thousand militia and Indians, of which some were cavalry, about eighteen miles along the coast, to a point where the ice was practicable, and, at two o'clock in the morning of the 3d of March, set off for the island. Reaching it, Captain Brown, with two companies of the 32d, and the volunteer cavalry, was sent round to the south end of the island, and Colonel Maitland, with the guns, and remainder of the force, landing at the north extremity, from whence the patriots fell back, until they encountered Captain Brown's detachment, upon whom they commenced a most fatal fire, which they kept up until the British were compelled to charge with the bayonet; when they, being principally riflemen, and now nearly surrounded, took to their sleighs, and safely reached the American shore, leaving Captains Van Rensellaer

and McKeon, and five privates killed, and a few who were made prisoners, after having actually unhorsed some of the enemy's cavalry, taken to their saddles, and rushed upon Maitland's guns, making an effort to spike them.

Colonel Bradley and Major Hoadley, who both distinguished themselves in this action, speak in the highest terms of their men on this occasion, as well as of the intrepidity and bravery of their officers who were killed. Not a man broke the ranks, nor wavered, until the order was given for the retreat; and when Van Rensellaer fell, at the head of his company, laying on his back, and bleeding to death, he continued to flourish his sword, giving orders, and shouting forth words of encouragement, till the British charged; when he dragged himself towards them with the exertion of one hand, whilst with the other, he struck off the foremost bayonet; at the same moment being inhumanly stabbed through the heart by another. His name was Henry; and he was the half-brother of General Solomon Van Rensellaer, the hero of Queenstown Heights, and had been a midshipman in our navy.

The loss of the British regulars was very severe in both killed and wounded, thirty-six falling at the first fire; and Captain Brown speaks of the order in which they came out of the wood on to the ice, to meet him, in single file, and then forming in column, taking deliberate aim, and saluting him with their deadly fire, as one of the coolest acts he ever witnessed; and said, that so completely were his troops affrighted and dismayed, that when he gave the order to charge, had they been visited by another volley, a rout and retreat must have been the consequence. Their loss, as usual, could not be ascertained. It is known that some thirty afterwards died in the hospital, at Malden, of their wounds; scarcely one who had been shot surviving. It was rumoured, and many laboured under the impression, that the

patriot balls were coated with a poisonous substance, which produced such general mortality amongst the wounded; but that any such preparation was made, is an error. The coat formed upon the bullets had been produced by their exposure to dampness, which often produces an incrustation of nitrate of lead, a salt formed, which is, of course, of a poisonous nature.

To close this chapter, and keep our valiant hero, Sutherland, within the pale of our biography, it may be well to state, that he and young Spencer were taken prisoners on the ice, by the equally valiant Prince, on the evening after this affair—Prince being on his way home from Point au Pelée, and Sutherland on his way down, as he pretended, in search of some lost clothing, and *important documents.*

CHAPTER XVII.

My Trial.

The sixth of April was the eventful day ordered for my trial. Early in the morning, my chains were knocked off, and, under a strong guard, I was escorted to the court. A crowd had already assembled; and I was placed in the prisoner's box, in the centre of the room, opposite the Bench. As soon as the excitement occasioned by our entrance had subsided, I was directed to listen to the indictment which had been preferred against me, for the offence of high treason against her most gracious majesty, the queen of Great Britain and Ireland. This was done by the clerk, who concluded by asking me the question, "whether I was guilty or not guilty." I addressed the court in reply—"That I had no coun-

sel, and was not conversant with the forms of law, or the proceedings of courts of justice. That the little information I possessed on such matters had led me to believe, that it was customary to ask a prisoner, charged with so heinous an offence, whether he was ready or not for trial; and I requested that convenient time might be allowed me, to send for testimony, to prove that I was not the person mentioned in the indictment—that I never had resided at Malden, as was set forth—that I was not a British subject, but a citizen of the United States; and that consequently, as such, I could not be guilty of treason, owing no allegiance to the British crown."

In answer to this appeal, the court directed that my prayer should be embodied in an affidavit, and that then the subject matter should receive attention. Two gentlemen of the bar volunteered, and received permission of the court to assist me. I retired with them to a small room, and they prepared the necessary affidavit, comprehending the statement of facts to which I had alluded. Both these gentlemen assured me, that they would render me any assistance in their power, if such aid could be of any service: but stated, at the same time, that they felt confident that their services would all be in vain, as it was currently and authoritively reported, that I could not be permitted to escape: that my execution was already determined on, as a necessary example, and that their professional aid would not only be prejudicial, but ruinous to them. Staggered, but not prostrated by this annunciation, I returned to the court-room, and the affidavit was read to the court by their clerk. This called to his feet, Hagerman, the attorney-general of the province; a large man, with an unmeaning, bloated countenance: his nose had been broken, but whether in a midnight brawl or not, I cannot say; but it gave a hideous and disgusting look to his face. This defect had earned

him, throughout the province, the *soubriquet* of "Handsome Kit." He addressed the court with much warmth against any postponement of the trial, remarking, "that the affidavit was but a pretext to gain time. That the prisoner was bound to be prepared: that the crown witnesses were present, at an expense to the government, and that the prisoner had already cost the province a considerable amount. That there should be no further delay, and in order that the court might be relieved from all doubt upon the propriety of refusing the application, he would freely admit the principal allegations in the affidavit: he would admit 'that he was a naturalized citizen of the United States, that he had not resided in Upper Canada, that he had been first fired upon by the British authorities, at Malden, and had been subsequently driven upon their shores,' and every other material allegation he would freely admit as proved."

On these admissions being recorded, the chief justice decided that the trial should proceed.

The jury was empanelled. Well knowing that they were all a packed jury of tories, I deemed it of little consequence to exercise the right of peremptory challenge, a privilege, impotent, as I was then situated, being a stranger amidst foes, and placed in the attitude of contending with power clothed with legalized form, and surrounded with inimical passion and prejudice. I felt as if my doom was determined, and that all that was incumbent upon me, was to keep in remembrance the cause that had called me to act, and to take heed that civil liberty, and the rights of American citizenship, should not be impaired through nervous timidity or criminal remissness on my part. Waiving, therefore, the right to challenge, which was conceded by the court, I boldly insisted that my protest against the right to try me as a British subject, should be entered of record, and my request was granted.

Although not an important incident in the Canadian revolution, yet, as this protest comprehends the precious privileges presumed to be conferred by the naturalization laws of the United States, I recur to it, that others of my native countrymen, similarly situated, may learn by my experience, how little it availeth under British laws, to have forsworn British protection; and that the naturalization law of the United States, although bound with the stars and the stripes, carry no shield against British construction of man's natural right to choose his own home, and adopt his own country. These boasted privileges of American law sound well in theory, and work well in peace: but, until treaty regulations abolish forever the tyrant's doctrine of "once a subject, always a subject," little practical blessing is conferred in times of commotion and war; periods of national trouble in which my countrymen are never backward in commingling.

I solemnly protested against the right of the court to try me for high treason. Because,

First, As an American citizen I could not be tried for the alleged offence, not owing any allegiance to the throne.

Second, That if I had, by the facts alleged in the indictment, made myself amenable for any offence, it was against the laws of nations, and that, consequently, the trial must be had before a higher tribunal, sitting in England, and that I could not be tried before a provincial court.

Third, That the facts alleged comprehended a high offence against the laws of the United States, to which I, as a citizen of that republic, was amenable, and to whose jurisdiction I should be returned.

The chief justice directed the protest to be recorded, the jurors were sworn, and the trial proceeded.

The queen's counsel, a Mr. Sherwood, opened the

case for the crown. This sprout of revolutionary toryism, commenced by a detailed account of what he could prove, from respectable and gallant gentlemen, who had assisted in the capture of, what he was pleased to term, the brigands of Malden. He essayed to refute the position assumed by the prisoner in his affidavit for postponement, admitting the fact, that he was a naturalized citizen of the United States, and entitled to the rights of such character as long as he remained subject to the laws of that government; but, that the British constitution and laws recognised no such rights, and that they ceased the moment he was found in arms against the government of his birth: that having been born in her majesty's dominions, no subsequent act of his could release him from the obligations imposed by birth; that being once a subject he was always a subject; that allegiance was perpetual; it was the natural incident of birth; a doctrine inseparable from the spirit of the British constitution, which it would be moral treason to controvert or deny. In illustration, he cited the case of one Eneas McDonald, who had been tried and convicted of treason a century ago. This man had been engaged in the Scottish rebellion of 1745, as a partisan of the Pretender. He was a French officer, and was taken prisoner. Having been born in Scotland, but removed from that country, when a mere infant, to France, where he was educated, and to the service of whose monarch he was attached, he acted in the invasion, but as an officer in the French army, in the legitimate obedience of orders. All this was alleged upon his trial, and a similarity of position assumed, such as was presented by the prisoner on this trial. Yet the plea availed not McDonald; nor could it be of any consequence to the prisoner. The case was in point; and as far as well authenticated precedent could illustrate and establish the principle for which he contended, all doubt as to the true relation of the

prisoner to the British government must be removed.

The witnesses for the crown were then called.

First on the stand appeared a Mr. Elliot, of Sandwich, who, being sworn, testified "that he had seen me at Detroit, in the month of December, taking an active part at a public meeting, called to minister relief to the Canadian sufferers; and that he had also seen me on another occasion, in that city, officiate as one of the officers of another meeting for the same purpose, and heard me address the meeting, condemning, in strong language, the course pursued by the British authorities, and styling the conduct of the provincial government as tyrannical and atrocious. He also beheld me giving money to relieve the distresses of the fugitive rebels." In reply to a question which I was allowed to put on cross-examination, the witness stated, "that Detroit was an American city; and that the rebels were there called 'Canadian refugees.'"

Next came Major Laughlin, the sheriff of the western district of Upper Canada, who testified to a conversation which he had had with me in Windsor, some time prior to the affair at Malden, in which I had made use of language that was highly treasonable—wishing success to Papineau, and others of the lower province, who, I had said, were struggling for liberty. On being requested to particularize the language I had used, he said, that I had boasted of being a republican, and prayed that the Canadas might soon be a republic. That, subsequently, he called at the prisoner's store, in Detroit, and heard him say, that he held the commission of Brigadier General in the service of the Canadian Provisional Government; and that he knew the prisoner to possess great popularity, and to be highly esteemed by the Canadian population; and that he had heard him, some days previous to the attack upon Malden, boldly express sentiments of hatred to the British

power. The witness was present at the capture of the schooner Ann, at Malden, and witnessed the capture of the prisoner. He was armed, and wore the same uniform in which he was now dressed. Witness had striven to tear off the stars from his breast; but could not succeed, from the resistance which he made. The witness expressed his sorrow for the insult he had given, and, with the permission of the court, now begged the prisoner's pardon.

Another witness was called, of the name of McDonnell, who testified, in substance, to the same as the previous witness, as to the conduct of the prisoner at public meetings at Detroit; then followed a few others of no account. At last John Prince was called to the stand, who repeated the same story, but preferred, from professional habit, to reach the facts by a circuitous and irrelevant route, and confirming the sheriff as to my being taken in arms against her majesty, at Malden. He manifested much feeling of hostility to me personally, and seemed to rejoice in the opportunity of glutting his long festering rancour—and swore by the wholesale to every necessary fact to insure my conviction. I ruffled his temper a little in cross-examination, by asking him boldly, if he was not drunk then, and had not been intoxicated at the time of my capture; all of which was the fact, and easily to be perceived by the most common observer. My questions were objected to, as a matter of course; but I enjoyed the satisfaction of exposing the reptile to public gaze.

Other immaterial testimony was introduced, not necessary to recapitulate in this narrative.

Having declined offering any exculpatory evidence, the attorney-general summed up, as the lawyers call it, by an impassioned address to the jury, calling to his aid all the opprobrious epithets that the calendar of Billingsgate could furnish, which he most heroically applied to the population of the United States in general, and myself in particular

I was a brigand, a murderer, a pirate, a robber, a Yankee, an inhuman monster. My countrymen were lawless republicans, actuated by the passions of the Jacobins of France. The object was plunder and rapine: and he implored the jury to remember the feelings of alarm created by the "infamous Mackenzie," the night that Toronto was threatened; and he concluded his blood-thirsty harangue, by invoking the jury, by their verdict against me, to set an example to the lawless renegades on both sides of the line. He informed the jury, that he was aware that the major part of them were Irishmen; but, he thanked God, that they were loyal Irishmen—men whose promptitude and whose bravery had saved to her majesty that province, the brightest gem in her diadem. That the prisoner was their countryman born; but was a renegade to their feelings; that his education and habits had made him a republican, and to all intents and purposes, was a "Yankee;" that his lordship would explain to them the law, and that he doubted not, that their verdict would teach such renegade Irishmen, that the people of her majesty's provinces would not submit to have their property wrested from them, nor their wives and daughters given as a prey to the lust of the brigands, although led on by such a Jacobin as the prisoner.

He looked a moment at me, I remember, with a countenance full of hate, and requested the jury to examine the "daring, reckless, unconcerned look of the ruffian," as he courteously styled me. I met his and their gaze with a smile of cool contempt, which gave Hagerman another opportunity to launch out in a tirade against me, and what he called the hell-born system of republicanism. He concluded with the stanza from Scott:

> "Lives there a man with soul so dead,
> Who never to himself has said,
> This is my own, my native land!"

I would not undertake to give the precise language of the honourable barrister, although my memoranda enables me to do so, because it is not necessary to the interest of this narrative. Suffice it to observe, that his address was one-sided, partial, cruel, and of the vindictive cast necessary to pave the way for his promotion, which, I understand, has since taken place.

I was informed by the chief justice, whom I was obliged to address by the appellation of lordship, that I might make my defence. I addressed the jury, briefly and calmly. I told them,

"That I had not intended to take any part in the proceedings, conceiving that the last act of the farce was written before the first began. But that respect to my own feelings forbade me to let pass without comment, the abusive and uncalled-for language of the queen's attorney-general. Official duty called for the exercise of talent to promote the ends of justice; but never demanded from any functionary self-degradation or personal vindictiveness. The assertion had been made, that I was a British subject. Yea, I was now on my trial as such, for the crime of high treason—a crime of which none but a subject could be guilty. If so, where the dignity of so high an officer of the crown, in conferring upon me the epithets in which he had indulged. If I were a murderer, a robber, a ravisher, a Yankee pirate, why not try me as such? No—they could not; they dared not; vengeance would lose its victim for lack of proof."

I admitted, "that I had been taken in arms, fighting under an acknowledged flag against her majesty's dominions—dominions which I strove to release from European despotism. ["Acknowledged flag," ejaculated the attorney-general.] Yes! the flag was acknowledged by your late governor," I answered, "in sending the flag of truce to treat with the party at Montgomery's; it was the flag of the in-

dependent provisional government of Canada, a flag planted on the soil of Canada by Canadians themselves, at Navy Island. No act of piracy had ever been committed by me, or by those acting under my command. Why, then, the use of such foul epithets? Why should not those bred to the courtesy of the law, keep within the prescribed limits of legal discourse? and why undertake to prejudice the minds of the jury, already unfairly excited?

"Had I deemed it necessary, in this mock trial—yea, my lord, mock trial—I might have challenged the whole panel; for every one of you, both judge and jury, have had your opinion formed before you, gentlemen of the jury, were sworn in the box; and long before many of you had uttered what you thought should be my doom. Nor do I now say so, to evince that I could have had another jury any better; for what avail would it have been, save to protract, for a little time, the execution of the *executive orders*, when all in this quarter of the province had been partizans of the government, and had borne arms against the patriot cause. I could have objected, that you all belonged to a society, whose political and religious feelings are hostile, bitterly so, to my cast and character. The accursed institution of Orangeism, which deluged my native land in blood, has lost none of its venom on this side of the Atlantic. Yes, gentlemen, pardon me, but I honestly believe you came here this day fully bent on my conviction; the subject of my guilt has been deeply impressed upon your minds, ere you were summoned to attend on this court. The trial, then, is a mockery, a mere form of law, to gild and adorn the preliminaries to my execution. Even the very judge on the bench has said to the bar around me, that I must be executed; that I must be hung up to prevent my countrymen from following the path I had pursued. Yes, strange as it may appear, gentlemen, I feel indifferent to your verdict. I rise but

to proclaim my American citizenship; to protest most solemnly against your procedure. I am no subject; but a citizen of a free republic. No slave; but a freeman. I leave the issue to my adopted country; in my person, on this trial, is involved the sanctity of American laws, and my country will look to it; you can trample on my person, and give my limbs to dissection; it will be but a paltry triumph compared with the glorious results which I confidently predict will follow.

"Were it possible for you, gentlemen, to dismiss from your minds your preconceived opinions, I would call your attention to the appropriate bearing of the testimony. I would point you to the necessary character of the witnesses, who, in order to magnify their own heroism, have swelled a mountain out of a mole-hill: a small water craft into an armed frigate, irregular musketry into broadsides, and bloody noses into fields strewed with blood. Strip their testimony of their victory at Malden, and where is your crime? Had not I, a citizen of the United States, the unquestionable right to express my opinions freely, of the measures of your government? Had not I the right to attend public meetings in the United States, yea, and contribute my means, to aid the revolution here, and not violate your laws? If such be an offence, it is one against the laws of my own country, and not against the laws of this. But I was taken in arms: true, most true; I boast, I glory in it. But how different would my case have been viewed, had success crowned our efforts. Now, I am a brigand, a pirate, a traitor, but, otherwise the case, had

> "'Successful rebellion decked
> The brows of traitors: heroes they
> Who gave freedom to the slave,
> And law and liberty to the oppressed.'

"Yes, many now around me, had such been our

fortune, would have showered blessings instead of curses on my head.

"But we failed; circumstances beyond our control conquered us, and I, as one of the humble instruments embarked in the glorious undertaking, am willing to meet the consequence. We played for a great stake—a nation's liberty—and we lost. Tyranny may now do its worst; my life is not worth preserving at the sacrifice of honour, or by a tame subserviency to prolong its being, or I needed not now have been here. I complain not: but I do protest against being spread upon your records, as a subject of a crown. I am a freeman—proud of my rights as an American citizen, to obtain which, I left my native country. Your obsolete principles of musty common law, fit only for slaves, and corresponding to that iron age when the thane could sell his serf, is unrecognised in my country, and is scouted at and repudiated by the philosophy of civilization. The doctrine of 'once a subject always a subject,' would make the great Washington a traitor, and have retarded for centuries the enlightenment of the continent of North America by the rays of civil and political liberty. Away with such stuff! Its enunciation at this age—in this tribunal—is an insult to justice—and brings shame to common sense."

"You, gentlemen, are told that I am an Irishman by birth, but a renegade to Irish feeling. What should I reply? Tamely submit and repress my honest indignation? Never, never—If it was the last word I had to utter on earth, I will hurl the lie back on the assertion,—foul and false aspersion, I pronounce it. No action of my short, but checkered life, is tainted with the slightest blot of treason to Irish hearts—and the Irish character. Ireland—oppressed Ireland is my native land—Ireland, suffering under the same cruel despotism that now blights the prospects of poor Canada, is the home of my childhood, and is dear to my fondest recollections; and

recreant, indeed, would I be, could I forget the proud distinction of an Irish birth. I can never forget the wrongs my native land has endured from the British rule, portrayed in living light in her history, and transmitted as the precious legacy of accumulating national vengeance from sire to son. But, thanks to propitious heaven, I am no born serf to her soil, and especially when that soil is down-trodden by British rule. The law, urged by the crown's attorney, classes me as such, but I indignantly repel it, and in behalf of thousands and thousands of bounding Irish spirits, throughout the United States, nay, the world, reject and deny the doctrine with scorn."

"I have heard—true, it was elsewhere than here—that this same hypocritical functionary, who has so travelled out of his way to insult me, has ever been distinguished as the defamer of Ireland, and yet he dares, to Irish ears, to flatter my native countrymen for *their* loyalty, and bravery, all for the artful purpose of creating prejudice against me. I shrink not from a comparison with the loyal Irishmen of the province, whom he styles, as having preserved this gem of the British crown; I am willing that posterity shall judge, whether your conduct, gentlemen of the jury, or mine, best accords with Irish pride and Irish wrongs. And he recites with marked emphasis the stanza of Scott,

> "'Lives there the man, with soul so dead,
> Who never to himself hath said,
> This is my own, my native land?'

"If he means, that my native land is forgotten, he indulges fancy at the expense of fact; and, shielded by the power of place, insinuates that which, under other circumstances more propitious to a prisoner, he dared not breathe.

"Ireland I love—England I hate. Have I no reason? Look at history. Gaze on Ireland *now*, and what she has been, and what she could be, and

what she has made by her blood and treasure of the British power, and what Irishman can honestly love British rule? 'My native land,' yes, in the very word 'Ireland,' there is an eternity of wrongs, hecatombs of victims, volumes of outrage; and when Ireland forgets England, it will be amidst the sleep of nations, and when all earth is dissolved by the magic of the last trump."

There were standing immediately behind me, a number of Irish volunteers, belonging to the Queen's Foresters—a regiment which had been raised after the defeat at Montgomery's—one of whom, a tall, red-haired, raw-boned young man, of the genuine Milesian cast, who, wrapt in thought, was picking the prisoner's box with his bayonet, while honest tears coursed down his cheeks. One of his comrades near him, accosted him with a strong and distinct whisper, which I overheard. He exclaimed:—

"Holy Saviour! Murphy, dear, ain't that true?"

Although but a whisper, I, as well as many others near, heard the remark, and turning round, I clapped the young Milesian on the shoulder, exclaiming—

"Ay, Murphy, it is true; and you, my countrymen, who know its truth, are here with arms, sustaining the oppressors of your country, and the murderers of your countrymen, and tacitly stand by, and allow those tyrants to condemn to death your countrymen, merely for the crime of being your countrymen."

This sudden digression had the effect of causing a stir in the audience, as if a stream of electricity had poured from heaven among them. They were chiefly Irish, and from their murmurings, and their clapping of hands, so unusual in courts of justice, led me to believe that I had attained the object which I had desired.

"Silence—silence!" rang through the hall, and the court, interposing, observed, "That I had been allowed a latitude of speech unprecedented, that I

must now cease my unwarrantable and treasonable harangue."

I replied, "that the crown officer's remarks impelled my course; that his denunciations were irrelevant and insulting: that I did not flatter myself that my remarks would change my doom, long pre-determined; but, that were I now standing on the scaffold, I would vindicate my character and motives from unjust and cruel aspersion."

His lordship replied, "That the court would not tolerate such language, and that I must confine my remarks to the subject matter, or else he would compel me to sit down."

"Even for that," I continued, "I care not. Be it so—that I am condemned unheard—what a picture of justice will it present to the civilized world! I have borne your utmost rigour of imprisonment, your chains, your insults, your dungeon, without alarm or murmur, and now can stand the stern brow of your lordship, and the pitiful contempt of the queen's attorney-general, whose nose, by nature, magnifies the outward manifestations of the inward malice of the man."

This allusion to the remarkable personal defect of the attorney-general, produced a smile among the jurors and the bar; but the auditory broke out into open laughter. After cries of "Silence!" I was permitted again to address the jury. I said—

"That whatever motive prompted the poetic quotation of the counsel, I thanked him for the glorious theme. Had I time and permission, I could appeal to every Irish heart, for ample causes, why Irishmen should rebel against the power of Great Britain; but I would cease to trouble the sensitive feelings of the court; and that it must be obvious, that when the Canadian refugees fled naked to the United States, no Irishman, remembering his own country's wrongs, could turn a deaf ear to their appeals. I could not, I did not. You, gentlemen, if men of common feel-

ings, will understand me, and will solve the question, whether I was a serf or a freeman—a British subject or an American citizen. I entertain no hopes of your verdict; it will be one of conviction, and now only wanting the form of delivery and record: but I am consoled, that the drama will not close with your act, or my existence. The principle involved, will rouse a spirit among the republicans of my adopted country, that would atone for my wrongs, and if I do perish, that I should not perish

"Unwept, unhonoured, and unsung."

That principle was dear to the naturalized citizens of the United States, and they would soon see, whether I, one of their number, could be tried and punished as a subject of the queen."

The chief justice was brief and bitter in his charge, recapitulating and enforcing the doctrine assumed by the crown lawyer, stating emphatically, "That birth in her majesty's dominions, created a perpetual allegiance, from which the subject could never be released, under any plea or any pretence. That no act of the subject could impair its obligation; that it was part and parcel of the British constitution; and that British law did not recognise the naturalization statutes of foreign countries. Once a subject, ever a subject; and if a born subject traitorously connects himself with the hostile movements of a foreign enemy, the laws of war did not apply to such, but if taken, he could and should be dealt with as a traitor."

Such was the substance, and almost the very language of the court, and speaks a warning language to all my countrymen, who are citizens of the United States.

The jury were not long in retirement, but soon brought in the anticipated verdict of guilty; shaped, however, so as to render it of a special character. It was in these words:—

"If the Prisoner is a British Subject, he is guilty of Treason."

It astonished the court, the counsel, and the bar, as was evident from their countenances, and evidently threw the responsibility on the court. As the verdict was tantamount to an acquittal, as I was a citizen of the United States, the crowd received its annunciation with evident signs of joy.

After a motion in arrest of judgment, and a consultation on the bench, between the chief justice and crown lawyers, I was remanded to prison, amidst the audible good wishes and prayers of many as I passed through the crowd. But the "exeunt omnes," at this falling of the curtain, did not close the eventful drama.

CHAPTER XVII.

Sentence.

On the fourth day after my trial, the 10th of April, Messrs. John Anderson, John Montgomery, Gilbert F. Morden, and myself, were called out, and escorted by a guard to the court-house, and placed together in the criminal box, to listen to the judgment of the court. His lordship first called up Mr. Montgomery; who, when asked why sentence of death should not be pronounced, remarked, that he had nothing to say, other than to protest that he had not been allowed a fair trial; and to assert, that if he had been thus favoured, he could have shown to the court, by competent witnesses, that the persons who had testified against him, had been hired for that purpose; and that they had committed a base and wilful perjury. Mr. Anderson thought it extremely hard, that he should be treated with so much seve-

rity; after being entrapped by the proclamation of the governor, Sir Francis Bond Head—that he could have made his escape to the United States, as well as others, who had fled, and reached there in safety; but, relying implicitly on the supposed honour of the government, he had come voluntarily into town, and delivered himself up to the governor in person—that the governor had accepted his delivery, but kept him in waiting in the apartment, until he had procured a guard, when he sent him to prison—that he neither pretended to plead any thing in vindication of his conduct, nor deny that he had taken up arms; but that he thought, if, as stated by Sir Francis, in the proclamation, that the principles of monarchy were honour, it was a disgraceful affair to entrap a man as he had been; and, when in their power, visit him with the severest penalties of the law.

Mr. Morden argued pretty much in the same words; when the three were called upon by name, to listen to their sentence. The judge, addressing Montgomery, said that the jury had recommended him to mercy; which recommendation he would lay before the governor and his council; and he thought it would be considered attentively: but, that he, Montgomery, had been always known as a bitter opponent to her majesty's government—that, by his wealth and influence, he ought to have sustained the government; not aided those wicked and designing men who attempted its overthrow. To Mr. Anderson, he explained the manner in which he had lived under the government—that he had become wealthy; but was always found in the ranks of those troubling the government for reform;—vindicated the governor in his manner of treating him; and concluded, by saying that he need not expect any mercy.

To Mr. Morden, the judge recapitulated the evidence against him, and said, that, not satisfied with the very active part he had taken in the late "wilful

and unnatural rebellion," he had induced others to solicit aid from a foreign power, and invite over the brigands of that country, to aid the discontented to overturn and subvert her majesty's government in those provinces—that even a letter had been found in his possession to that effect, which he was to carry over to the United States for such purpose; but that a wise and beneficent Providence had overthrown his evil designs—that he was now about to meet the punishment due his "heinous offence;" and prayed earnestly that he should, by his repentance, prepare to meet his offended God.

Sentence was then pronounced upon those three gentlemen; and, having been an attentive listener, and not being called up with them, I was induced to believe that some different fate awaited me, particularly when I reflected upon the verdict of the jury; but a moment more, and, with the rich, musical voice of his lordship, "a change came over my dream," as the low, shrill sounds reached the ears of that silent crowd:—AND YOU, EDWARD ALEXANDER THELLER, WHAT HAVE YOU GOT TO SAY, WHY SENTENCE OF DEATH SHOULD NOT BE PRONOUNCED AGAINST YOU?" I advanced to the front of the box, and addressed him as follows—poorly prepared, as the reader may well imagine, under such circumstances; little believing, cruel and vindictive as I knew the British policy to be, that they would dare to venture to this extent, in trampling under foot their own laws, and their solemn treaties, in their own halls of justice:*

MY LORD,

I suppose that any thing I may have to say will not prevent you from passing the sentence which

* I have found these remarks, as addressed to the Court, since published in many of the Canada papers, and with but some very slight variations; and that I am indebted to my brethren of the American press, very generally, for transferring them to their columns; as also to the English and Parisian press.

you have already prepared; and, although your question is part of the usual prescribed form, and however fruitless any remarks from me may appear at this moment, standing in the peculiar position in which I am placed, I will not let pass the opportunity, without answering you, by solemnly protesting against the jurisdiction of this court to try me, and against the unjust, tyrannical, and barbarous law under which I have been tried, and conditionally found guilty.

It well may be called unjust, tyrannical, and barbarous; a relic of your olden time—of baronial and feudal legislation: a law made six hundred years ago, before England had a colony, and when her sway was confined to her own island. A law totally unfit for the present day; and differing as much from the spirit of your present laws, as the feelings, minds, and pursuits of the men of that day differ from those of this.

It is a law, my lord, which would deprive you, and every other person in this numerous assembly, from emigrating to any country, where reasons political or pecuniary might point out, and bind you to the country, where, by the chance-medley of circumstances, you were born, in fetters as strong as those that bound the Saxon serf to till the farm of the thane, whose born thrall he was.

Is it possible, my lord, that, at this advanced age of civilization, such a law would be enforced—a prerogative which the crown of no other nation holds over their born subjects; and one which every enlightened being in the world, and particularly those residing in that independent republic of which I am a citizen, will, and ought to, look upon with horror and detestation.

I protested on my trial against the jurisdiction of this court. That I could not be found guilty of treason, not being a subject of Great Britain, but a citizen of the United States; and that, if I had com-

mitted an offence, it was one against the law of nations: and that I could not be tried in this province, but in England, or the country of which I was a citizen.

It was admitted, my lord, by the court, "that I am a citizen of the United States, but not less a subject: no act of mine could make me aught else.—That Great Britain could, notwithstanding my citizenship, still hold me as a subject." Such doctrine certainly places the naturalized citizens of the United States in a singular predicament; obliged, as they are, to do military duty, as well as the native born, without distinction. In event of war, if they were ordered to invade the British dominions, by refusing, they would be punished by the one government, as for insubordination and cowardice; or obeying, be punished by the other as traitors.

A precedent was quoted by the attorney-general, in the case of Eneas McDonald, which somewhat resembled mine, as your lordship remarked. He was found guilty also, but not executed; and this happened ninety-three years ago. Since that time, what a change has taken place among nations, as among men! More liberal and extended views have been held both by the governors and the governed;—a new nation has sprung up from English colonists, with a population of upwards of seventeen millions, one-fourth of whom are in the same situation as myself, having been born under a monarchy, but who have since become citizens of a free and independent republic, whose constitution was framed directly opposite to the law laid down by this court—"once a subject, always a subject."

When tried, my lord, I rested my defence on that ground. I did not call evidence to prove, as I might have done, that when pursuing my course from an American port, in an American schooner, and going to an American island, and in the regular channel and thoroughfare which all regular vessels take that

pass and repass from the ports of the states of New York, Ohio, Michigan, Illinois, and Wisconsin, I was fired upon in repeated volleys of musketry, by your militia, Indians, and negroes, of Malden; and when driven upon your shores by the inclemency of the weather, and my men killed and wounded by the galling fire of three or four hundred concealed riflemen, I fired upon them in self-defence; this I would have proved; and if your lordship could remember, nearly all of which was admitted by the very evidence brought against me by my captors, as they styled themselves. They, even they, admitted the greater part.

And now, my lord, after three months' severe imprisonment, the greater part of which time was passed in chains, I have been tried for "not having the fear of God in my heart, nor weighing the allegiance which I owed her majesty the queen." An allegiance which I did not consider myself to owe, and which many years before I had solemnly sworn, in open court, to renounce, in the manner prescribed by the constitution of the United States.

And what, my lord, was the verdict of the jury? a conditional one. Their discriminating minds plainly perceived that I could not be a citizen of one country and the subject of another; that both were incompatible; and they gave in a verdict, which to me seems a strange one—"If I was a British subject, I was guilty of treason." I am not a subject, therefore I am not guilty of treason.

I am far from saying, or wishing either you, my lord, or any that hears me, to understand me to say, that I consider that I have done wrong in what I have done. No! I embarked in what I considered then, and most religiously believe now, to be a holy, a just, and a virtuous cause—the cause of a people oppressed. But, my lord, I will admit, that in my enthusiasm, I may have stepped over the bounds prescribed by the laws of my own country, to which I

am amenable; and were I before a tribunal there, I might admit my offence, but in extenuation, I would show them, as was proved on my trial here, before your lordship, and your packed jury.

I was here informed by his lordship that I must not insult the court.

I mean no insult to your lordship; but I reiterate what I have said; I would show in extenuation, that in the middle of December last, there came to Detroit, where I resided, a vast number of men who fled from this country; many of them were poor, hungry, and naked. They had fled from their homes and their families at a moment's notice. They fled, for the Orange blood-hounds were on their track; the polluters of female innocence, and the loyal burners of houses and barns were behind. They came to us. They told the story of their sufferings and their wrongs; and, my lord, I believed them; for on every page in the history of my native land, I could find cases parallel.

Well, my lord, we fed and clothed them—nay, we did more—we furnished them with arms and munitions of war; we said, Go back to your homes, there is what you have said you wanted; and if you show your determination, and want help, to gain your country's liberty, we will volunteer and aid you. We knew they spoke the truth when they told us of what they suffered from the petty officials of your government, for we had it confirmed by those on our frontier who had been in a little brief authority, insulting our citizens whom business had induced to go over among them.

In the midst of this excitement there came to us the thrilling news of the cutting out, and the burning, of the steamboat Caroline, at Schlosser—a cold-blooded, murderous act, my lord; and one that will yet be avenged. It was felt as an indignity committed on our national honour—an insult to our national flag. Before that time nothing was done that

could be said to compromit our neutral relations; we wished and prayed for the success of those who, like the sires of our own revolution of '76, were, like them, battling against oppression; but the scene was changed; we became, through the outrage committed on our country's honour, indignant and revengeful—participators in the matter—and might be considered as having committed a breach of the laws of our own country; to whose jurisdiction I ought to be restored.

And now, again, my lord, in the face of high Heaven, and in this presence, before this assemblage of your citizens and soldiers, I again solemnly protest against your proceedings, to carry into effect the iniquitous sentence which, months before, your late governor threatened me with, if I would not accede to his wishes, and turn traitor to the cause in which I had embarked—warning you, and those that hear me, that you are exceeding the powers which a colonial government may have given you; and in an obscure part of the dominions of Great Britain, enforcing a barbarous law, which she in her own island dared not to do.

I have now done, my lord; I will not detain you any longer; nor will I ever condescend to sue or entreat you, but, if consistent with your duty as a judge, I would request you not to be in a hurry in this matter, and do nothing rashly. "*If I must be executed*," as your lordship remarked some weeks ago, give at least time for the matter to be heard before the proper tribunals of the home government, and have your sovereign's pleasure thereon.

His lordship—as I was obliged to call him, although it may sound strange to republican ears—then returned the compliment, by addressing me, saying he had a most painful and unpleasant duty to perform; was pleased to bestow upon me a reputation for eminent talent, but was sorry to remark

that as yet I had shown no signs of contrition for my conduct, and that I should even come there dressed in the rebel uniform, with the stars, the insignia, as he termed it, of my command, blazoning on my breast, to insult the court. Here, to the evident amazement of the whole assemblage, I interrupted his lordship, by saying, that as his lordship had interrupted me when I was addressing him, I presumed he would not take it amiss, that I would inform him that none could better know than himself, that I had been robbed of all by her majesty's most loyal volunteers at Malden, when I was captured, and that I had no other dress but that which I then wore: that money and clothing which had been sent to me since my confinement had been kept from me by orders of the governor, and that in a strange place, and in the present state of public feeling, when I could not obtain leave to see my friends, it was a strange perversion of his lordship to attribute that to insult, which I was compelled to by necessity, to appear in the only dress I had: that, in my humble opinion, it was beneath the dignity of the court to take notice of so trivial a matter as that of the dress in which any person should appear, particularly in my peculiar situation, when I was well assured his lordship was acquainted with the circumstances of the case.

"Why not take off those stars?"

"They are fastened on, my lord, in such a manner that they are not easily taken off: had they been they would have been snatched off by some of your volunteer officers, who attempted it at Malden."

"If you were disposed, sir, you might have cut them off before appearing in this court?"

"I am not disposed, my lord, to do any thing of the kind. I have worn them in fight, I have worn them since, and I religiously intend to wear them for the brief period which you may allow me to live."

His lordship then proceeded to pass the sentence, which was, that Edward A. Theller should be taken

from the court to the place from whence he last came —that on Tuesday, the 24th day of the present month, April, he should be drawn on a hurdle to the usual place of execution—there hanged by the neck until he was dead—that his body be quartered and given to the surgeon for dissection—and that the Lord have mercy on his soul. To the latter words I gravely bowed, as expressive of my thanks for his lordship's kind wishes for my Creator's mercy for my soul, inwardly praying at the same time that He might be lenient to those who had no mercy.

On our march back to prison I was somewhat affected by the general expression of sympathy displayed for my situation, as the guards made way for us through the immense mass of living beings, assembled to catch a glimpse of us or learn our doom. And it was gratifying, as we passed those who had been spectators and listeners to the whole proceedings, to see friends to whom I could bow, and on whom I could bestow the smile, perhaps the last smile of recognition; a smile, alas, tortured by the tory press into a spirit of levity and reckless bravado. I felt somewhat remunerated, too, for the sacrifice about to take place, when I heard their whispered prayers for my release, and the proud gratulations of even many of the tories, that they were proud and happy to call me their countryman.

CHAPTER XIX.

Execution of Lount and Matthews.

"Is this fair recompense?
Has heaven no thunder? Are the lightnings quenched?
Is virtue stricken dumb, and justice dead?
Are men unsexed and cowards? that such a deed
Can smoke its hellish sulphur in our face,
And shall we choke without a cry?"

THE gloomy shadows which haunted our prison were now fast ripening into painful and substantial realities; but forty-eight hours were to pass before the noble-hearted Lount and Matthews were to be led to the scaffold, to expiate that CRIME which their God had instilled in their bosom, their love of freedom, their hatred of tyranny; and yet hope lingered within those walls, the hope that even a callous-hearted, brutal master of galley-slaves, the governor, might listen to the voices of the many thousands who besought their pardon—a vain, futile hope. For, although the whole county was averse to the shedding of their blood; although Mrs. Lount, but the day before the execution, presented the petition of thirty-five thousand inhabitants in their favour, she, the wife of a statesman and a hero, was spurned from the presence of the representative of majesty, and insensible at his feet, dragged from the executive chamber, he declaring that the man who could control under those circumstances the friendship of thirty-five thousand men, who had been presumed to be loyal, was too dangerous a citizen to be pardoned. Thus it would appear, that the very means resorted to by his friends to save his life only hastened his death; and that the prayers of a disconsolate wife, for the life of her husband, and the father and protector of her

children, backed by the voice of the whole community, had no influence upon this monster; but, on the contrary, he tauntingly insulted her in her wretchedness, by asking her, with a *sneer*, whether she thought her husband was prepared to die; and being answered in the affirmative, with hypocritical countenance expressing his doubts, as by inference from conversation with Mr. Lount, when visiting the prison; saying he had understood him directly to refuse to reveal the names of any of his accomplices, or any thing in relation to them, whom he said were numerous, many thought by the government to be loyal, and some holding office, and that therefore he doubted whether he could be prepared for death—but, "Well, well, if *you* think he is prepared, let him die now; at another time he may not be so well prepared;" and then, the unhappy wife swooning and falling, as it were, dead at his feet, coolly turning upon his heel and leaving the apartment, giving orders for her immediate removal, as he traversed his way to the council, where, according to the official document published, he was advised by the chief-justice, Robinson, to let the case take its own course, as he, the chief-justice, "*saw no ground upon which he felt that he could properly recommend a pardon or respite, in either the case of Samuel Lount or Peter Matthews.*

At meridian the sheriff entered with his orders to inform the prisoners that, "his excellency having advised with his executive council, felt it necessary to direct that the prisoners be informed that there was no intention of staying the execution of the law passed upon them!" Then came the hour of despair, and of utter hopelessness; and when, at night, through the humanity of the jailer, the families of the condemned were permitted to take a last farewell of the brave and affectionate husband, the noble and generous father, there might be heard the stifling groans and heart-breaking sighs of the bereaved, com-

mingling with the blows of the hammer and the harsh grating of the saw of the workmen erecting the scaffold, from which they were to be launched into eternity. That scaffold! How can I ever forget it, or forget the authors of that species of refined cruelty, ordering it to be removed from the usual place, and erecting it before the room occupied by Mr. Anderson and myself, and where Mr. Montgomery and Mr. Morden could have a full view of it from their room! All for the purpose, as they declared, of giving us a foretaste; and as evidence of this ferocious feeling, it may not be improper to relate a fact connected with it. A short time previous, the editor of the Palladium, at Toronto, had entered our prison as a grand juror, and had seen and conversed with us all, and when issuing his next paper, in a very candid, impassioned article, spoke of us individually and collectively, saying that he was surprised to find so much intelligence—so many thoughtful and reflecting countenances, and in witnessing so great a display of intellect; and was pleased particularly to point me out in a favourable light. In commenting on this article, the day before the erection of the scaffold, the editor of the Patriot, the official paper, in most vulgar and uncouth phrase attempts to ridicule the position assumed by his neighbour of the Palladium, and then with all the bitterness of a narrow mind, a jealous and envious heart, with a weak head, denounces me as a blackguard, a bully, a cut-throat, and with as many more polite expletives as the reader may readily imagine, and closes by stating that on the morrow I should have a foretaste of the gallows, on which I was to be hanged, by its erection opposite my prison window. All of which his master caused to be performed according to the small bills, defining the scenery and dresses to show off the loathing tragedy, in the gaudy plumage and trappings usual on such occasions at the king's theatre.

At length the morning dawned—the hammering

ceased, and there it stood, a finished work—the two fatal nooses suspended from the beam which crossed the platform—and the executioner, having adjusted the ropes, fixing the drops, and eyeing the whole with the air of a connoisseur, preparatory to his departure to give the intelligence that the stage was ready, the actors in waiting, and the audience growing impatient. I have no heart to make an effort to describe the state of our feelings at that hour—no pen can portray the sensations awakened in our bosoms; but there we were, compelled to see and hear all, whether so disposed or not, or bandage our own eyes and stop the ears from hearing. The scaffold was thus placed back, and the space between it and the populace crowded with guards, some thought to keep the people out of hearing distance, should the unfortunate men wish to address them. Patrols of cavalry paraded the streets, whilst the infantry and a few Indians kept in column and guarded the important points about the vicinity; a vast number of the people having come to witness the scene before the hour had arrived, which was to have been seven or eight o'clock.

Lingering at that window, from which it was our fate to witness the execution, and momentarily anticipating their appearance upon the scaffold, we were surprised by a knock at the door, and by the voice of Lount, calling upon me. He had been in the habit, daily, of coming up in that hall to obey the dictates of nature, and we had always known him by his tread and the clanking of his chains; but now we heard no chains; and on hearing his manly voice, clear and unruffled, I dared to think for a moment he was respited. How vain and fleeting the illusion! His chains had been knocked off to dress him for the scaffold, and he had made the excuse to afford him an opportunity to give us the last salutation—the dying vale! He appeared firm, and perfectly prepared for his doom, saying that this would be our

last interview—that he was then going out to meet his fate—exhorted me to be prepared, as he had learned officially, that after himself and Matthews, I was to be the next and the only other victim,—desired me to communicate the information to the others, in order to relieve their minds from the horrors of suspense,—and then, requesting us to look at him through the window when he should ascend the scaffold, bid us farewell, forever! As he passed through the hall, he called at the doors of the other rooms, until obliged by the turnkey to descend. A few minutes afterwards we saw him and Matthews walk out with the white cap upon their heads, and their arms pinioned, preceded by the sheriff and his deputy dressed in their official robes, and with drawn swords—followed by two clergymen and a few of our prison guard. On arriving at the fatal spot, although the steps were seven or eight, and the ascent almost perpendicular, they mounted the stage without the least faltering: Lount first, followed by the sheriff; then Matthews and the deputy, Mr. Baird. Some have remarked they thought Matthews did not ascend with the firmness displayed by his fellow-sufferer; but they do his memory injustice, for I was looking upon the motions of both with intense anxiety, to see whether either disgraced his name or the cause in which he had forfeited life, and there was not, to my vision, the slightest trepidation. Lount looked up and bowed to us—then kneeling upon the trap underneath one of the nooses, the cord was placed about their necks by the executioner, and the cap pulled over their faces. One of the clergymen, Mr. Richardson, made a prayer—the signal was given by the sheriff, and in an instant after these two heroic souls, the first martyrs to Canadian liberty, were ushered into eternity.

God of heaven! what a scene was this to be enacted in the enlightened nineteenth century, and within trumpet sound of those waters where basks

the goddess of liberty, and that land which men so proudly trample over as "freedom's soil;" and we, who had the hearts to have rushed to their rescue, compelled, in our chains, to witness their agonizing death struggle, amid the idle din of thousands of voices, commingled with the heartless jeer of the tory, and the piercing shrieks of relatives and friends. It was a moment of pain and of torture that can never be obliterated from my memory, nor will those wailing sounds ever cease ringing in my ear. Even many of the tory bigots were surprised at their own humanity when they wished the fatal deed recalled, and many of them, even when they were on the gallows, thought they would be respited; and the sheriff afterwards informed me that he waited until the last instant before he took them out; and before giving the signal to the executioner to withdraw the bolt which sustained the drop, had attentively scanned the street coming from the government-house, in the hope there might be some messenger on his way with a reprieve. But, in vain did mankind look to that hardened savage for mercy. The blow must be struck; the foul and atrocious legalized murder must be and was now committed, and the curtain must fall only to shut from our aching visions the naked, bleeding quarters of two men, whose name will go down to posterity, honoured and wept, whilst those of Arthur and Robinson will be lettered on the blackened scroll of infamy.

This tragedy, it was said, was intended to operate as a warning to others. They would barbarously deprive these men of life for the crime of loving their country, and hold up the act as a beacon, warning others to beware how they dared to love freedom rather than slavery. Has it had the effect they anticipated? Let the occurrences which have transpired since that period answer. These fool-hardy men knew better, for they could not have been altogether ignorant of the history of nations; they could

not have been ignorant of the fact that never yet did revolution roll backward, or be quelled in any country, by a resort to such measures. They knew that the sacrifice upon the scaffold of more than eighteen thousand victims, by Alva, in the Low Countries, within the period of five years, instead of preventing the establishment of the liberty of Holland, gave impetus to the revolutionary ball, and hurried on the downfall of tyranny. So will it be with Canada, for from the blood of these victims will spring thousands of mailed warriors to avenge their fall, and those now wearing the gilded trappings of royalty, whose paricidal arms were raised against them, will fall unpitied before the fury of an indignant and outraged people.

CHAPTER XX.

Character of Lount and Matthews.

A FEW hours after the populace had removed from the place of execution, my quarters were changed for those so recently occupied by my lamented friends, Lount and Matthews. I here had fresh food for reflection. There were their pallets of straw, their clothes as they had left them on exchanging for those in which they were executed, with many other articles to remind one of their unhappy fate. Brave men—departed worth, thought I, none knew you but to love and respect you: even your enemies, your very murderers admired you with words of praise on their lips, as ye were launched into eternity. Lount had been our room-mate for a time, and had endeared himself to us by his kindness and the suavity of his manners. I was particularly attached to him, and to while away the dreary hours, that were all but

too fleeting, as each bell knelled another hour's progress of my friend on his pilgrimage to that "bourne from whence no traveller returns," would we relate passages and instances in our lives for each other's amusement, or the gratification of curiosity.

Samuel Lount was born in the state of Pennsylvania, and had lived there until he emigrated into Upper Canada, when he was twenty-two or twenty-three years of age. Entering that province, he located himself at Lake Simcoe, then a wilderness, where by industry and frugality he amassed a large property. To the many poor settlers who came from Europe, and obtained grants of lands from the government, he was a friend and adviser, and in cases of necessity their wants were supplied from his purse or his granaries. Many is the time, said some of our fellow-prisoners, that we have seen him, after the toils of the day were over, leave his home to carry provisions for miles through the pathless forest, to the shanty of some poor and destitute settler, who with wife and family were rendered by want and sickness utterly destitute. Those acquainted with the history of new settlements need not be told how often those who have been accustomed to better days are obliged to embark in a new career of life, the duties of which they are totally ignorant and wholly unfitted for, nor how often sickness is engendered by their great bodily exertions, by neglect and deprivation.

In a country like that in which Mr. Lount was settled, the inhabitants resided far apart, and consisted generally of old, worn, and superannuated British officers, who, at the close of the war, pitched their tents, for the last time, in the wilderness. The sums which they obtained from the sale of their half-pay, almost expended in the transportation of their little families, before arriving on the lands assigned them by government—unfitted, from their former pursuits, to bear the drudgery their new course of

life required, it was frequently the case, that before they could raise any thing from their lands, they became perfectly destitute of the necessaries of subsistence. Too proud to seek assistance, they would starve, rather than communicate their situation; but in Lount, their generous neighbour, they found one quick to discover and prompt in affording relief, and he would minister to their wants with such delicacy, that the most sensitive would experience a pleasure rather than the pang of wounded pride. Alas, what a contrast between his treatment of them and that of some of those very men, of his afflicted wife and destitute family—a family, robbed of its protector and their property by government, and that government professing to be the most humane amongst the civilized nations of the earth!

Mr. Lount had seen and deeply deplored the many grievances of their country, and was stung with indignation at the manner in which the people's rights were trampled upon by the mercenary wretches whom England had sent out to govern them, and eat out their substance; and whose paltry offices gave them a chance to exert the power of riding over the prostrate necks of the hard working men, who desired, in peace and tranquillity, the privilege of honestly earning their children's bread. He had been frequently requested by his friends to allow them to elect him to a seat in the provincial parliament, but had always declined until 1834, when he was elected and served. As he had witnessed the abuses, he was desirous of seeing them reformed, and he had often, with Dr. Rolph, Mr. Mackenzie, and other leading reformers, worked diligently to have properly represented to the home government their grievances, which had now become so burdensome that the people would no longer calmly submit to them. When the term for which he was elected expired, every measure was resorted to which could be conjured up by the officials, to prevent his re-

election—means the most corrupt and bare-faced were used by the governor—bribery, of the most flagrant kind, openly committed, and every engine of villany put in motion to oust Col. Lount and his associate reformers from their seats. One instance, which will satisfy the most fastidious, and which was proved before a committee of the house, I will relate. It is required by their laws, to become a qualified voter in Canada, that he be a freeholder to a certain yearly value; and as the settlers on government lands are obliged to perform certain settlement duties for a specified term of years, they cannot legally obtain from the proper crown officer a deed of the lands until such term shall have expired, and, of course, until they do fulfil those requisitions of the law, cannot become legal voters. At the second canvass for Col. Lount's seat, public officers of the crown went from Toronto to the hustings, carrying with them blank deeds, signed by Sir F. B. Head, and offered those who would vote against Col. Lount, and for his opponent, Robinson—the brother of the chief-justice, who afterwards tried and sentenced him—a clear deed and title from the governor, notwithstanding those people had not fulfilled their settlement duties, and had been but a short time in the country. In this manner, three hundred and thirty votes were obtained, and Col. Lount driven out of his seat, and the government enabled to elect, through this iniquitous proceeding, their creature, Robinson. "Was not that one glaring act, alone," said the colonel to me, "sufficient to make me rebel against such rulers?"

On the breaking out of hostilities, he raised a body of men in his neighbourhood, with whom he marched to Montgomery's, with the intention of entering Toronto, but there being informed by the chiefs assembled, that there had been a mistake in the time appointed—that instead of Tuesday it was Thursday night the contemplated attack was to have taken

place, he halted for further consultation. Here were Mr. Mackenzie and others. They could not then go back, but with the men they then had did not fear an attack; yet, contrary to the advice of Mr. Mackenzie, and Mr. Anderson, (who was shot by Mr. Powell, the mayor of Toronto,) Col. Lount, instead of proceeding on, thought proper to wait a reinforcement in the morning. Deeply indeed did he afterwards regret he did not follow their advice, instead of waiting at Montgomery's until Thursday morning, when the enemy marched upon them. He was in that day's fight, and although he did not expect the enemy, still, for half-armed peasantry, they withstood the shock admirably, and it was Col. Lount's opinion, that had not their best and picked marksmen, who were with Matthews, at the Don Bridge, been absent from the field, they would have beaten the royalists. Indeed it has been remarked by royalists within my hearing, that had they fired another volley, they would have retreated, and left their artillery a prize to the rebels.

After the retreat, or rather rout, Col. Lount, with a few others, saved Mackenzie and some other friends from falling into the hands of the royalist cavalry, who were in hot pursuit, by a timely firing from an ambuscade, repulsing them, and covering the retreat of their comrades. Knowing the country well, they then dispersed, agreeing to meet at a given place, and to penetrate to the London district, where it was understood that Dr. Duncombe and others, had or were about to make a demonstration. Col. Lount succeeded in getting there just in time to hear of the unfortunate dispersion of Duncombe's army, and travelling in company, in disguise, with a faithful friend, by the name of Kennedy, they eluded the vigilance of those whom the reward of £500 had set upon his track. For weeks they wandered about the country and the shores of Lake Erie, until finally securing a boat, they attempted to cross to the United

States. Their boat was, however, driven, by the floating ice, ashore at or near Long Point, and they were captured; but, until sent to head-quarters, opposite Navy Island, he escaped being recognised: there, in MacNab's camp, were enough to point him out, and to be known was sufficient to call down upon his devoted head the vilest contumely and insult. From thence he was conveyed in chains to Toronto, in which he remained manacled, until they were knocked off preparatory to his execution. "*Mais oublions tout cela au present!*" When Canada shall be free, a monument will be erected over the spot where his dishonoured and quartered remains were entombed, and where they still lie, unhonoured and unlettered, but not unwept nor unwatched.

Peter Matthews was a wealthy farmer, and possessed of great influence among the people, in the neighbourhood of his residence. He had served as lieutenant, in the incorporated militia of the province, during the last war with the United States, and had signalized himself for his bravery. On its being announced that the people had risen, to assert their natural rights, and avenge their wrongs, he promptly raised a corps from his neighbourhood, and joined Colonel Lount, at Montgomery's; whom, on the morning of the action, he left for the Don Bridge, with a company of riflemen, for the purpose of creating a diversion, by that entrance to the town. Crossing the bridge, he drove the picket guard before him, into the city, even to the market-house; and was, in reality, in possession, for a time, of the most important part of the town; and, by a small additional force coming to his aid, could have retained his position: but, hearing the cannonading at Montgomery's, and anxious to be in the melée, discretion bade him retreat; and, to foil the enemy in following him, to burn the bridge as he crossed it; where, learning the state of affairs with our friends, he made

a gallant stand, assuming a position which he could and would have maintained, had not his co-patriots been beaten back at Montgomery's, thus leaving his faithful band between two fires, and compelling them to disperse. Worn out with fatigue, he was taken, a few days after, at the house of a friend; but, not without fighting, did they become his masters. His treatment was extremely harsh; but, as he saw it could be of no avail, like Colonel Lount, he made no defence; and, by the advice of counsel, plead guilty, although many acts were vilely attributed to him, of which he was perfectly innocent. He was a large, fleshy man, and had much of the soldier in his composition; and sure am I, that he demeaned himself like one, and died like a man who feared not to meet his God.

CHAPTER XXI.

Petition to the Queen, Governor, and Council—Their Answers.

With me, to tenant the room vacated by the executed, was my regular room-mate, John Anderson; and, as we were now under the charge of the sheriff of the district, Mr. Jarvis, we succeeded in obtaining a privilege we had not before enjoyed—that of seeing our friends, or any clergyman. This was, in some measure, a relief from the annoyance of the chancellor, Mr. Jamieson, who was ever particular in the exercise of his "little brief authority," like the most of those whom the people denominated "*the bread and butter*" officials of the province. Some few days having elapsed since our removal, Sheriff Jarvis, and James E. Small, Esq.—one of those legal gentlemen who had asked the permission of the

chief justice to aid me in my trial—advised my writing a petition to the queen, and to enclose it in one to Sir George Arthur, requesting him to transmit it to the home government, and to respite my sentence, until such time as an answer could be obtained. On this suggestion, I addressed a petition to the queen, a copy of which I here insert, together with the letter accompanying it, to Governor Arthur. I did not do this, however, without reflection. My advisers had advanced good and sufficient reasons to warrant such a step, without its making me liable to the scoffs and sneers of the villain, through whom alone a petition from me could reach the throne. The argument, that if the government, by its functionaries on the bench, would force me to be a subject under their laws, that I, as such subject, was entitled to demand this service from the hands of the governor; that it was his business, his sworn duty to the home government, to receive, and forthwith to transmit, the complaints and grievances of all her majesty's subjects, which might be couched in respectful language, overcame my objections to hold converse with the wretch, and convinced me that he dare not refuse my request:—

Prison of Toronto, April 16, 1838.

May it please your excellency,

The undersigned, a citizen of the United States, now under sentence of death, for the alleged crime of high treason, respectfully asks you to interpose your authority, to stay the execution of the law, until such time as an answer could be obtained from your sovereign, to the enclosed open petition, which he sends to you for the purpose of having it transmitted to the English government.

Your excellency will please to take into consideration, that as a citizen of a free and independent republic, having forsworn, agreeably to the constitution of that republic, all allegiance that he might have

held to any prince, power, or potentate; and particularly to that sovereign in whose dominions he was born, he could not imagine that he could be tried for a crime which none but a subject owing allegiance could be guilty of; and, also, the undecided and conditional verdict of the jury which tried him, will, he hopes, be sufficient reasons to induce your excellency to accede to his request.

With respect, he begs leave to subscribe himself,

Your excellency's most obedient,

E. A. THELLER.

To her most gracious majesty, Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c.

The petition of E. A. Theller, a citizen of the United States of America, now a prisoner in the prison of the home district, in the province of Upper Canada, respectfully showeth:

That your majesty's petitioner was, as he has been informed and believes, born in that part of your majesty's kingdom called Ireland; that at an early age he came to the United States, where he has since resided; that at the usual time, and in the usual manner prescribed by the constitution of the said United States, he abjured all allegiance he ever held, or might hold, to any power, prince, or potentate; and particularly to the king of Great Britain and Ireland; that within the time prescribed by the said constitution, after having made the said abjuration, and in taking the oath to support the constitution of the United States, he was admitted and enrolled a citizen, according to law, *which was admitted by your majesty's attorney-general, on your petitioner's trial;* that since the time of his becoming a citizen of the said United States, he has always resided there, although he has been several times since in the province of Lower Canada; yet he never was domiciled therein, but having been married there, and having

business connected with claims that his wife held on property, had obliged him to visit there frequently, some years ago.

That your petitioner, in January last, resided with his family, in the city of Detroit, in the state of Michigan, one of the said United States. That during that period a great excitement was created in the said city of Detroit, in favour of a vast number of persons, called Canadian refugees, whose statements of the horrid cruelties inflicted upon them, and the tyrannical abuse which they suffered from the local authorities in your majesty's province of Upper Canada; and in consequence of the insult offered to his country's flag, and the murder of his fellow-citizens on board of the steamboat Caroline, your petitioner was induced to give his aid to what he considered an oppressed and suffering people, and in a good, a holy, and a virtuous cause.

That on the 8th day of January last, he left his home, and embarked, with many others, in an American schooner, called the "Ann," of Detroit, to go to an American island in the river. That whilst passing the town of Amherstburgh, in the regular channel, common to both nations, he was fired upon by your majesty's troops, without any provocation, and after many of those on board were wounded, he returned the fire, and fought in self-defence. In the course of the conflict, the vessel was disabled, and, owing to the inclemency of the weather, and the continued firing, he was driven on shore, and made prisoner, with the rest of the persons on board—there being in all twenty-one men, two of whom were killed, and six desperately wounded.

That your petitioner has been sent from the western district to that of the London, and from thence to where he is now confined, in the home district; and has been treated in a manner the most brutal and unjustifiable. That he has been subsequently tried for high treason, as being a British born sub-

ject; and, although solemnly protesting against the power of the colonial authorities, under all the circumstances, and claiming the rights and privileges of an American citizen, as recognised by the laws of nations, he has been convicted on a conditional verdict of the jury by which he was tried, and sentenced to death. That the jury in rendering their verdict, declared that they found your petitioner, *if a subject*, guilty of treason, according to the law as laid down by his lordship, the chief-justice, who tried the case, which was, *once a British subject, always a British subject.*

Against the arbitrary and unjust law under which a colonial court have condemned to death your majesty's petitioner, a citizen of the independent republic of the United States, he, before the world, most solemnly protests, for the following reasons:

1. Because man, as a free agent, has a right to domicile himself in any country in the world to which he fancies it his advantage to emigrate, so long as he consents to observe and respect the laws of that country which he may select to reside in.

2. That if, after having become a member of a community other than that in which he happened to be born, he finds it to his advantage to incorporate himself with that community for mutual protection, THERE IS NO DIVINE NOR UNIVERSALLY RECOGNISED HUMAN LAW WHICH FORBIDS HIM; and that, therefore, he has a perfect and inherent right to become a citizen of the country so selected, for his own protection, benefit, and advantage.

3. That having, at the years of discretion, selected to become a member of the body politic of the United States of America; and having taken the necessary oaths of allegiance to that country—a country in which he resided, and to whose laws he is amenable, he cannot be held to owe fealty or allegiance to any other power, particularly to one to which he had never bound himself by any compact or oath, and

whose only claim to his submission is grounded upon the arbitrary dictum, promulgated one hundred years ago as law, of "once a subject always a subject;" and to which the common consent of mankind has never been conceded.

4. Because, should it be admitted that he is legally condemned, then at least one-fourth of the population of the independent republic of the United States are owing an allegiance to two separate and independent governments, incompatible with the duties due to each, and liable to be punished for a breach of either.

5. Because Great Britain herself has recognised the principle contended for, at least tacitly;—first, by acknowledging the independence of the United States; and secondly, by not trying for high treason, and executing as traitors, all the American soldiers and militia taken prisoners at the surrender of Hull, during the last war between Great Britain and the United States, who happened to be born in her dominions.

6. That although in the case of Eneas McDonald —the precedent quoted on the trial of your petitioner, —as reported by Mr. Justice Forster, which took place in 1747, after the invasion of England by Prince Charles Edward, or, as he was called, the Pretender, the doctrine of perpetual allegiance was insisted upon, yet the crown did not deem it expedient nor politic to carry the sentence of the law into execution, although it did not appear, as in the case of your petitioner, that Mr. McDonald had ever sworn allegiance to France, nor abjured or renounced his natural allegiance to the power in whose dominions he was born.

Under protest, for the above reasons, your majesty's petitioner prays your royal consideration of his case, and as he freely admits that he has been guilty of a breach of the laws of his own country, in respect of both countries being at peace, for which of-

fence he is ready and willing to answer; and as his execution for high treason against your majesty must necessarily involve the dearest rights of his fellow-citizens of the United States—therefore he prays your majesty that he may be delivered up to the authorities of his own country, to be dealt with according to law.

And your petitioner, as in duty bound, will ever pray, &c. &c. &c.

Mr. Sheriff Jarvis kindly volunteered to be the bearer of my letter to the governor, with the petition enclosed, and delivered it in person, with some remarks, communicating the general feeling on the subject as manifested, particularly amongst the Irish residents of the province, who were, in fact, the most effective and the most numerous of their armed force. His excellency promised to read it attentively, and to lay the matter before his council, and give an answer in due time. For three or four days there was no answer that could be considered as definite, but that the council were in session discussing the matter. This to me was a good omen, for although I expected nothing from their justice, there was foundation for hopes from their fears. One of their number, the Hon. Mr. Draper, was absent in the London district, in his official capacity attending the trials there, and there were but four left; two, as I was informed, in favour, and two against: one of them, Allen, or Billy Allen, as he was called, a bloodthirsty old Scotchman, who had been so frightened during the last war with the Americans, that he could never after bear to hear the name of the country mentioned, was decidedly for hanging and quartering, and could not be persuaded to yield a jot. The governor, of course, under these circumstances had the casting vote, but did not for some days exercise it. On Friday, the twentieth, the sheriff came into our room and in-

formed my comrade, Mr. Anderson, that he was respited, as well as Messrs. Montgomery and Morden; but when I asked him if he had any information for me, he gravely shook his head, and for a few minutes appeared overcome with emotion, until tears came to his relief, when he informed me that he had no answer from my petition, but from the circumstance of the other three being respited for forty days, he feared the worst: that the governor refused to interfere, and that from what he had seen and heard, he had no hope. He then begged me to be prepared, for my fate was inevitable. This amiable man was a strong tory, but the feelings he then exhibited, and his untiring efforts afterwards to save me, can never be erased from my memory. I answered him then, that I was prepared for any thing, come when it might, and that for his efforts in my behalf, and his kind sympathy for me I felt grateful, and should so feel to my dying hour, but that I could not nor would not give up all hope until the last moment. He then left me to my reflections, but left me only to renew his exertions in my behalf.

There were other friends, who were equally active, and who were making other arrangements, but as they are still there, and the country still in the hands of the despots, prudence and the fear of injuring them forbid my mentioning them by name. Let it suffice that I was determined that they should never have the satisfaction of gloating over my corpse, suspended by the neck. If all else failed, I knew that the guard around the scaffold would be my native countrymen, and from the scaffold I should have, as is customary, the liberty of addressing them. I would there have told them that it was for an attempt to aid them in obtaining the liberty of their country, that they saw me upon the scaffold; that it was for that liberty I had fought, and for that liberty I would die. Then springing into the midst of them, have told them they might bayonet or kill me as a

man, but that they should never hang me like a dog. Desperate as the reader may think the attempt would have proved, yet from what I then knew, and what I now know, there was a chance, however desperate, of success. My arms would have been pinioned, but by the use of a small penknife put into my hands by a friend, I could have cut the cords, and being alone with the sheriff and clergyman, a sudden movement would have made me master of the sheriff's sword, and a leap have thrown me among the guards, many of whom I knew would sacrifice their lives to save me. I knew their hearts —knew they were Irish hearts, and knew the effect of such a movement upon their feelings. I knew, too, they were discontented, and at heart as bitter foes to the accursed power which had enslaved their own country, as I was, and that like unto smouldering embers, the slightest breeze would fan those feelings into a flame. As a dernier resort, when all else should have failed, I would have tried the experiment; and even if I failed, my friends would have had the satisfaction of knowing that I did not die without a last effort to effect my liberty. It would have had the effect, too, of lighting the torch of discord, and of turning their bayonets upon each other, and given a new impetus to the ball of revolution, which must roll on till the despots are crushed.

However, I had no occasion to try my last resort. Another fate awaited me. On Saturday the civic officers of the city were sent as a deputation, by the citizens, to wait on his excellency, and to beg of him, as a favour to them, that, to gratify the feelings of the Irish, he should respite my sentence. The governor received them kindly, and as one of their number, Dr. King, an alderman, and an Irishman too, informed me, he graciously condescended to hear all their remarks, thanked them individually and collectively for their loyalty and their zeal, remarking that nothing could afford him more pleasure than to afford

them a gratification if in his power; but his duty to his sovereign forbade him to interfere with the due course of the law. "He entered into the discussion at some length," said the doctor, who was the speaking member of the deputation, "reasoned calmly, and, in fact, I must say, that after having heard his reasons, I became perfectly satisfied, that according to his instructions, and for the safety of the province, he could not do otherwise than let the execution go on." I thought Sir George must have had a very powerful or persuasive way of reasoning, but remarked, that being a party somewhat interested in the affair, I might not be so readily convinced of the absolute necessity of being hanged for their convenience and safety, which I could not think so very great as to require such a sacrifice on my part: however, it was folly to argue the matter with such an inflated piece of pompous aristocracy as my pedantic friend; and so, we parted, he very kindly taking me by the hand, squeezing it affectionately, and declaring that any thing he could do for me after my execution, should be done; that I might depend upon his friendship; no insult should be offered to my remains; he would have me interred in his own family burial-place, in the Catholic burying-ground. I asked him, as he was one of the surgeons to whom my body was to be given for dissection, if he could not give it to my friends. For myself, I said, that I had been too long a physician to have many scruples about dissection, but that I knew my wife had a horror of it, and that it would be a gratification to her and my children to have it conveyed to them; but if he could not do that, he would favour me by opening the body, taking out the heart, and placing it in the keeping of a gentleman, whom I named, and who had promised me to deposit it in an urn, and see that it was conveyed to Detroit. Here the doctor gravely shook his head, remarking that he was confident it would not be allowed, as *his excellency*

would imagine it might occasion an excitement in the United States; but assured me he would have me dressed and laid in a decent coffin, and see me quietly and decently interred by my countrymen. For all which I, of course, was most thankful; but not wishing to trespass upon his time and his politeness, I expressed to him my gratitude, and requested him not to trouble himself; that when hanged his just and humane government might bury me or not, as they saw fit, for it would then be a matter of perfect indifference to me.

Another alderman, whose name was Dickson, I think a saddler, and master of one of the Orange lodges, came and begged my forgiveness for the insult he had offered me the day I entered the prison. He was the person who had expressed the wish that I might never come out until the morning when I should be executed. He said he felt sorry for what he had said, and that he had done all he could to atone for it, by making intercession for me; that he would still try to aid me, and leave nothing undone that might aid him in accomplishing his object. This man was true to his word. I afterwards learned that he was indefatigable in his exertions, and, Orangeman as he was, I can say with gratitude to him and others, advocates of that, to me loathing system, that they forgot every difference, political and religious, and looked upon me only as their countryman, and with such feeling they joined their Catholic countrymen to save my life. Would to God it could ever be thus, that there could be union of sentiment and interest, and that they would be no longer the dupes of designing knaves, who keep them at variance, that they may rule and ride over their necks with cars and chariot wheels of their own creation.

The reader may imagine how very agreeable it must have been, to be constantly annoyed with such encouraging visiters as my affectionate friend, Dr. King, to have them constantly warning me by state-

ments of the utter hopelessness of my situation, and hypocritical prayers for the salvation of my soul, conjuring me, at all hours of the day, to make preparations for the awful hour when I was to appear before the bar of my Creator, and all but weeping over my stubborn, restless, and rebellious heart, for daring to hope for a short respite in this world, or reposing confidence in the Being who controlled my destiny. However, there was here and there a glimmer of sunshine, and occasionally an educated, liberal-minded, noble-souled fellow, who could bid me be cheerful, indulge in the better feelings of our nature, and be satisfied that "sufficient for the day is the evil thereof; let to-morrow take care of itself." Amongst this latter class I remember the frank, open-hearted countenance of a young barrister, by the name of McCulloch, who was a tory and an Orangeman. How, with his liberal nature and rich intellect, he could be either, puzzled me; and who could boldly rebuke the canting knaves and chicken-hearted friends, swearing that "whilst there was life there was always hope:" and in my case he had witnessed nearly all and every movement since my removal to Toronto; was convinced that there was no downright and positive necessity of resorting to utter and hopeless despair, but on the contrary something was being done, and he lending a helping hand; that he would do so for any man who thus braved his fate, and refused to disgrace his name by cowering to his oppressors, or exhibiting the weakness of a child by being frightened at the approach of that which must sooner or later overtake us, and put a period to our mortal career.

My fellow-sufferer and room-mate, John Anderson, who had been respited only for forty days, did not in the least seem satisfied with *his excellency's* mercy towards him. It was told him, that his respite from death was only a change from that to perpetual transportation in Van Diemen's Land—a cir-

cumstance no way gratifying to John. He insisted, that he would rather be hanged than transported—his property, which was of great value, confiscated; and his wife and children left destitute—he to live, and chew the bitter cud of reflection at the recollection of their miseries. He reasoned, I thought, with truth, that the suffering would be greater in banishment, than in immediate death; and, when he persisted in insisting upon having the original sentence carried into effect, rather than accept the modification, ticklish as was our situation, I could not but laugh at the philosophy with which he reasoned out his right to the prerogative: and many is the hearty laugh I have since enjoyed, as I have fancied him, with countenance flushed with indignation and pride, comparing the relative difference of dying upon the scaffold, which he appeared to think honourable under the circumstances, and the mere work of a moment; and the dishonour of dragging out a miserable existence, like a common felon, in a foreign land of ignominy, with his children stamped with disgrace and infamy at home. But, after a course of sober reasoning with him, on the part of Mrs. Anderson, the sheriff, and myself, he gave up, and consented to meet his fate with becoming fortitude. Poor John, with all his singular ideas, was a truer patriot than can easily be found in all Canada; and I may say, with truth, so far as my knowledge enabled me to judge, that a better-hearted and more honourable man never lived.

It may seem strange, that two men, thus situated, could actually indulge in repartee, and enjoy a good joke, or amuse themselves with the heartless badinage of an ignorant and brutal soldiery, in parlance with the Jack-Ketches, hovering like vultures about our prison. Nevertheless, at times, I must confess, they were irresistible. Peter, the hangman of our friends Lount and Matthews, was, as Boz would say, a character—young, brutal, and beastly; and a

fit subject for the mirth, kicks, cuffs, jibes, and jeers of the guards, as well as a plaything for the boys and loafers to drag the gutter withal. Peter was a decidedly rich, as well as truly loyal subject, after receiving his $200, and used to walk about the prison, chuckling at the prospect of the $400 he had bargained for, to release myself and associates—Montgomery, Morden, and Anderson—from the trouble of breathing; and then going to the pot-house, getting drunk, and winding up his day's speculations, by being locked up in one of the cells. The respite, however, of my three friends, was a source of affliction to him, which was only relieved by the guards and vicious idlers pointing to my window, where I would be sitting, to obtain the luxury of a little fresh air, and telling him there was one left; he would get another hundred; and that, as my clothes would fit him snugly, he wouldn't do so bad after all—that it was a fine uniform I wore; and that, on making his appearance in the city, after the fête, he would be metamorphosed, from a common, drunken loafer, into a general. But poor Pete, as some of my countrymen remarked, "waked up one morning after breakfast, and found himself fast at the bottom of the river Credit, with a halter around his own neck, and a stone fast to it." His $200 had created envy and jealousy with the fraternity, and done for him. Pete's successor was a lubberly, drunken, good-for-nothing man-o'-war's-man, distinguished by the name of Jack, who was a sort of inmate of the prison, rendering here and there some trifling service to us, to obtain change to lay in his grog; and proving a source of infinite amusement, by the hitch of his unmentionables, the twist of his immense quid of tobacco, and the peculiar manner in which he would eye me, as if making his calculations how best to adjust the rope. And I never shall forget his pompous manner, in walking back and forth with the sentinel, in front of my window, disputing as to

the paraphernalia of adjusting knots, and the state of pliability of the cord to be used. "I am decidedly of opinion," said the sentinel, "that the rope should be well soaped."

Jack.—No: I see, shipmate, you know nothing about the business. It should be slushed: d—n your soap.

Sentinel.—But, Jack, my old boy, you must admit I have seen more of these matters than you have; and, as you say you want to do the thing up genteelly, d—n my eyes, if soap isn't the thing.

Jack.—Well, now, I'll tell you what it is, I'll leave it to the general, himself.

With this exclamation, Jack made another hitch; and, with a knowing look, approached the window, explaining his troubles. After hearing both sides of the important matter under discussion, I gave my decision in favour of Jack's plan—saying, he was right; that slush was the proper article to be used on the occasion, and he ought to be permitted to have his own way.

Jack.—Thank your honour. Your honour shall be hanged just as you please. I see your honour understands these matters; and, d—n my eyes, but it's a pleasure to do business for such a gentleman as your honour. Long life to your honour.

Having thus delivered himself, Jack, to the great amusement of the negro guards of her majesty, who lay basking in the sun, but had readily detected the bull of "long life," pulled off his sailor cap, waved it around his head, and with the usual salutation of a sailor, left me to analyze and dissect human nature, according to Spurzheim, my own limited philosophical and phrenological views, or amuse myself as best suited caprice or humour.

CHAPTER XXII.

My Respite.

THERE were a number of friends who had been instrumental in getting up the petition, presented by the civic officers to the governor, who were dissatisfied with the manner in which it had been presented, the persons officiating having apparently laboured under fear in addressing him, or urging the matter, lest they might be thought disloyal, or esteemed indifferent to the cause; and these friends thought that another petition, written in still more urgent strain, and signed by the greater part of the volunteers, might meet with more attention. And what had a still further tendency to induce them to this course, was a remark made by a gentleman to an officer, that Sutherland was liberated because they dared not hang an American, but that I, being an Irishman, was to be hanged for the crime of being born in their country.

A friend had given me the names of a number of influential Irishmen, and I got him to invite them to see me under various pretences. As they were esteemed loyal, and as many of them were then doing duty and under arms at the time, and some of them of our own guard, I had no difficulty frequently of conversing with them and aiding them with my suggestions of the proper course to be pursued. Their names should be public property, but, as I have remarked in another chapter, so long as they are under the ban of tyranny, so long must they live in my memory alone. I have said they were thought loyal, but they were not, nor did I meet during my stay in Canada, with but two Roman Catholic Irishmen who were loyal or wished well to the British

government. They indulged at heart the same feelings I openly espoused, and acted a part contrary to their nature, because life, and property, and the welfare of their families were at stake. They were suspected and watched too with a jealous eye, but their numbers were so great, and with arms in their hands, and knowledge of their use, that Sir George Arthur took them, or pretended to take them, for what they seemed to be.

Four gentlemen, who were influential with their countrymen, were hard at work; and, on the Sunday after mass, in the chapel-yard, had an understanding with all those present; and they became resolved to make one more effort, and, to use their own meaning and significant language, "GIVE SIR GEORGE A CHANCE:" but, if he failed to grant the respite, "Bad luck to us, if we will stand by, and see him hanged for the crime of being our countryman. If his excellency will not listen to reason, we know what we can, and what we will do." And they did know what they could and would do. Every one admitted that the Irish had saved the province; and they said, a sad return they were receiving for their services, if the long-legged humbug, Sutherland, was to be pardoned; who was, according to their version, much more guilty, and my superior officer. If such things were, they could see no reason why I should be hanged; and, what was better, they would be d——d if I should be. When they found themselves sufficiently strong, knowing they could repose confidence in each other, such language as this was talked openly in the streets, and in the guard-rooms; and a letter, addressed to Sir George Arthur, signed, "*An Old Soldier*," was printed, distributed, and posted about the town, pointing to the illegality of the sentence passed on such a conditional verdict, and demanding to know why I was pursued with such rancour; whether it was because I was born in Ireland; and, if so, appealing to him, whe-

ther or not, he was indebted to the Irish soldiers for the preservation of the province, at that very hour: calling upon him to take the advice of an "old soldier;" "pardon, and send the unfortunate, but generous stranger, home to his own country:" and urging the better influence which such a course would have upon the people of the United States, and the discontented of the people of Canada, as well as their people generally, who were tired of blood. A copy of this handbill was to be found in the hands of every Irish soldier, with a spare one for a comrade. Who was the author, I never knew; but I well remember, I thought it was written by a master-hand, and could not well see how Sir George could evade acting upon it.

With me, in the prison, things remained in the same state, until a little after one o'clock, on Monday; when the sheriff, accompanied by some officers and citizens, entered my apartment, and, with a melancholy shake of his head, handed me a letter from the governor to him, as sheriff of the home district. It was, in fact, what they termed there a death-warrant; but was only an official letter, saying, that his excellency and council, having taken into consideration the prayer of the prisoner's petition, could see no good reason why he should interfere with the due course of the law; and concluded, by saying, "You are therefore commanded to have the sentence of the law carried into effect on the body of the prisoner, to-morrow morning, at seven o'clock."

"He means that I should take it coolly, anyhow," I remarked; "it is rather early, but so much the better, I can take it fresh and fasting—" but observing that my levity shocked one of the hypocritical, canting humbugs belonging to the church dominant, who had entered with the sheriff, as a minister, I said no more; but shaking hands with one or two I had known, I requested the sheriff to let me have pen

and paper, that I might write to my family, and make some little arrangement of my property, and that, as my time was short, they would excuse me for wishing them good-bye.

They all evidently took the hint but the parson, who begged me sincerely to leave my worldly affairs and attend to my soul, and prepare it to meet its Creator.

"O, think how important your soul's salvation is to you!"

"Stranger," said I, looking him full in the face, "I will not deny that I consider the safety of my soul as of great importance. But I have a family, and I want to write to them and arrange my worldly affairs—leave them the little property that remains to me, that your government could not confiscate, and then, sir, without your assistance, or any of your pharisaical tribe, I will take what steps I may, about preparing both soul and body for the final issue. Good morning, sir."

"But, my dear sir, a moment think of eternity."

"Jailer, I wish to be alone."

"O, think of an offended God!" and thus he went on, until I was forced to make demonstrations of using force to push him out. He was taken out.

Seated in my cell, and writing my last wishes to my family and friends, I was aroused by an alarm, the bells ringing and the drums beating to arms. What could it be? could there be any truth in the report that had been circulated, that an attempt would be made by the patriots to land and rescue us, or was it like the other rumours that had been brought to us every day?

Alarms of invasions had been current the whole winter. Every day had brought its tale of wonders, and although the soldiery had been called out night after night, and had each morning been deceived by their ridiculous fears, still the next night would bring its report, and meet with the same credence as its predecessor. Some one on the look-out, espying

some object on the lake, which looked like a vessel, would give the alarm; the drums would beat; the alarm-bell ring; the soldiers scamper to their posts, all creating a din that would have awakened the seven sleepers, had they been in Toronto. The ladies of that city had certainly that winter become used to "war's stern alarms;" for not a boat of the smallest size, or even a canoe could appear, but the garrison would be frightened into fits. One night, I remember, early in the spring, and when the ice began to move, an alarm was given; and as the fancied vessel still kept gliding into the bay, and those on board refused to answer to the challenges, a tremendous firing was commenced and gallantly sustained by the supposed craft, without a man falling, until the morning light presented the stubborn and insolent foe to full view of the gazing warriors and dismayed inhabitants. It was a tree that had been uprooted from the banks of the lake, and came floating down on the ice, the branches and bushes about it being the accompanying boats she was towing in, loaded to the water's edge with brigands.

But, at this period, rumours new and of threatening aspect had been sent over by the paid spies of the government, who were placed along the frontier towns of the United States, that during that very week a formidable attempt would be made on Toronto, as well for the purpose of getting the metropolis into their hands, as for our rescue; and now, in open day, a steamboat of the larger class ploughing her way into the bay, with the American flag floating at her topmast, appeared to them indicative of the reality, and that assuredly their hour of battle was at hand; and the troops were roused from their merriment, their grog, and bacchanalian song, to meet their invaders.

It was St. George's day; and the soldiers, on pretence of keeping up that day, took a little more grog than usual, so that when the alarm became general,

they were in rather a more boisterous situation than is commonly allowed among a soldiery who were liable to be called out on a moment of emergency. The shouts—the wild hurra—succeeded the discharge of cannon, and after an hour or two passed in conjecturing what all this could amount to, or what it meant, my door was opened, and my friend, James E. Small, Esq., came in, whose agitation seemed to me to omen something disastrous.

"Out with it, man; what is it? what means this outcry?" I demanded.

"Nothing, nothing—at least nothing yet—but it may be turned to advantage: an American vessel is arrived, and in her is your wife, whose reception by the troops has been enthusiastic, and I have brought her here to see you."

He knocked—the door was opened—and the object of my most intense anxiety, my wife, was in my arms!

I was not a little shocked at her appearance. Four months of anxiety and mental distress had made sad ravages upon her health, and she presented herself before me all but the wreck of her former self. To her I appeared equally broken in health, yet not in spirit; for although aware of what I had to expect from my enemies, and that every thing depended upon my own energies, never repining, and whistling that grief through the crevices of bolts and bars, which Falstaff said "blew a man up," yet the confined air and dampness of my prison had wrought a pale and sickly appearance. I had striven to retain my strength of body for the last effort that I might be called to make for my freedom; but the weighty chains I wore, the want of exercise, and the breathing pestilence about me had made me bloated; and although I was allowed by the government but a pound of bread and a pint of miserable soup per day, I confess that I had all the appearance charged by the tory press of being "FATTENED FOR THE GALLOWS."

The account which my wife gave me of my family and friends, particularly of the kind attentions of the latter to herself, and their heartfelt sympathies for my situation, was soothing to my agitated mind; and I was most grateful to them for the means they were pursuing to compel the United States government to interfere in my behalf, although, even if successful, that interference might come too late. It appeared that they had been depending upon the representations of John Prince and others, that nothing would be done with us or the other American prisoners, further than detaining us until the troubles on the frontier should cease, when we would all be liberated. On this account, and, in fact, with the solemn pledges of tories high in office to that effect, our friends ceased hostilities, laid down their arms, dispersed, and exerted their influence to restore quiet amongst the enraged inhabitants of the frontier, who appeared resolved on "carrying the war into Africa." One corps of iron-nerved men, some five hundred strong, of the brigade of my friend, E. J. Roberts, Esq., well armed, equipped, and provisioned for a campaign, breathing curses upon the necessity, but consenting to the policy, disbanded and returned sullenly to their homes, on the pledge that every thing that could be done on the part of the authorities of the state of Michigan, either with the powers in Canada, or at the seat of government of the United States, should be done to effect our release; and John Prince, other tory magistrates, and even clergymen, on that exposed frontier, were parties to it by consultation, and the very men to humbly solicit it, pleading for the patriot's mercy. But the news of my trial, conviction, and sentence, accompanied by a printed copy of my remarks to the judge, put to flight their anticipations, and the testimony of Prince on the stand, and his lying description of the affair, and of the situation of matters on the frontier, in his place on the floor of par-

liament, told them how false he and his associates were to their pledge, and redoubled their fears that I would be made their victim.

Under this state of feeling had Mrs. Theller left her home, resolved to come to me. From the few days yet unexpired, on the receipt of the intelligence, before I was to have been executed, it was feared she could not, by any possibility, reach Toronto in time to see me alive; but, although the news had been received but in the evening, before the dawn of the next morning she was on the road, and hurried on night and day by extra conveyances, until she reached Lewiston, N. Y., where there appeared to be an insurmountable obstacle in the way—the steamboat Transcript, the only boat running to Toronto, had just gone. But no, the American steamboat Oneida was laying in port, and the noble-hearted, generous, and disinterested citizens of Lewiston had no sooner learned who it was, and the errand she was upon, than that boat was chartered, and she again on her way, under the escort of a gentleman and lady, and several young gentlemen of that patriotic town, who had volunteered to accompany her, and protect her from insult; but the latter precaution was unnecessary, inasmuch, as she remarked, that, as my wife, none dared to insult her, particularly in Toronto, where there were regiments of Irishmen in arms; but, nevertheless, words can never repay the obligations we both felt for this unlooked-for kindness.

To continue her narrative.—As the boat neared the port, she was surprised to see the streets lined with armed men, and that they should fire a cannon across the bows of the Oneida, inducing the captain to stop her, and run up the American flag. Shortly an officer and guard came on board, and ascertaining the cause, treated her with much kindness and politeness; one young officer telling her he had just

seen me, that I was well, and encouraging her by assurances that although the government would make the attempt to carry their sentence into execution, still the guards would not allow it.

On her landing at the wharf, and its being announced who she was, she was enthusiastically cheered by the troops, as they opened their files to let her pass, and observing some of the officers approaching to render her some civilities, they became rather loud in their whispered consolation. "Don't be cast down, ma'am; keep up your heart; your husband is our countryman; and they shan't hurt a hair of his head as long as one of us can hould a bayonet." Cheered by this exhibition of national feeling, she thanked them as my countrymen, and, as the Toronto Patriot, the official paper, said, "turned up her nose, and said that she knew the government dare not hang him," that she was going to the governor with documents, and was desirous of going forthwith. Many immediately volunteered to go with her, which some discreet friend observing, advised her to let them go alone, which she did, and whilst she was on her way to my prison, they were on theirs to the government house.

A deputation of their own choice presented the petition. The council was called, and after some time, Sir George informed them how grateful her majesty was to the loyal Irish; that they had saved the province, and that he was happy to have it in his power to do an act which would be gratifying to those brave men, who, in the hour of peril, had so gallantly rallied around the government: *that as there was a great legal question involved in my trial, it had been decided that I should be respited until her majesty's pleasure should be known; that at present I should be reserved for her majesty's pleasure.* Yes, there was a great legal question

involved, and that question was whether, in the absence of one or two more regular regiments, he could carry his sanguinary scheme into effect; whether he dared brave the bold and fearless volunteers, who did not hesitate to tell him to his teeth, that they would never be passive lookers-on at the gibbeting of their countryman, arraigned as he had been on a false issue, unjustly condemned, and illegally and inhumanly sentenced. Here was the grand secret of the great question involved. The open threats of a loyal party, and the anonymous letters of the reformers to the chief-justice and the members of the council, carried more terror to the soul of Sir George, than would a thousand legal questions to his seared conscience, or the execution of myriads of freemen, to his bloated heart. The tyrant, and his minions of the perjured woolsack and the council, knew that they had been tried and condemned, and that a conditional sentence was hanging over their heads, from which they must seek a reprieve before the rising of another sun. They trembled lest they took my place upon the scaffold, and the guillotine be placed there instead of the knout. The "LEGAL PRINCIPLE INVOLVED," had already been discussed for days, and finally coldly dismissed, with the assurance that I need not hope for mercy from their hands. That it was fear, guilty, trembling, cowardly fear involved, was made evident to every rational man who read their official, the Toronto Patriot, the next morning, when Sir George Arthur himself—for none other could so eloquently describe the horrors of the wretch doomed to Van Diemen's land, as the late brutal master of that devoted colony,—after alluding to the means which had been resorted to to save me from the gallows, paints in glowing colours the doom which still awaited me; that although I was respited from immediate death, I should suffer ten thousand living lingering deaths; that I should be compelled

to submit to the brand of infamy, which, in the stamping, should sear my very flesh, and, chained to the vilest culprits of the earth, be flayed with whips, and compelled to undergo all the tortures human invention could create, or brutal man apply. So much for defeated malice and humbled pride. The "galled jade winced;" losing all control of his better judgment, and giving vent to his knightly spleen.

However, all this vituperation only had a tendency to excite my laughter; for I had experienced so much happiness within the preceding afternoon and evening with the arrival of my wife; the knowledge that my children were alive and well; that my friends were still my friends; the display of Irish hearts, and readiness of Irish hands; the reprieve; the thundering huzzas of the multitudes in the streets; the rush to my prison door with the hearty congratulations of friends, amongst whom were most of the officers of the volunteer regiments, as well as the civic officers of the city; and last, though not least, the prime minister himself, as they called the president of the executive council, the Hon. Mr. O'Sullivan, all joyous at the event, or at least appearing to me to be so, that I thought the world made up of fine fellows, and couldn't, if I would, be angry with any thing, or anybody. I had, too, after the rejoicings of the evening, obtained leave to visit my old quarters, and see my old comrades, to whose number I now found added, Sutherland, and a young man by the name of Spencer, who had been taken with him on the ice, by John Prince; and here had the satisfaction of seeing the scaffold which had been erected in front of our window, and still kept up from the time of its use for the execution of Lount and Matthews, knocked down and torn to pieces by the friendly volunteers: its departure giving us hopes that the days of blood were over; that no more of our imprisoned inmates were to be executed; that the blood-hounds had

drank their fill of the crimsoned liquid of their fellow-men; indeed, that a lesson had been taught the government, by the people, by the result of the trials of that day, which would ever be an era in the history of Canada—the day that its first martyrs sealed with their blood the principles of liberty which they had advocated, and fought and died for.

END OF VOL. I.

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